

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DONNA CURLING, ET AL.,

Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 1:17-CV-2989-AT

BRAD RAFFENSPERGER, ET AL.,

Defendants.

VIDEOTAPED ZOOM DEPOSITION OF
MICHAEL BARNES

February 11, 2022
9:04 A.M.

Lee Ann Barnes, CCR-1852B, RPR, CRR, CRC

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2 (All appearances via Zoom)

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17 original transcript.)
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1 Deposition of MICHAEL BARNES
2 February 11, 2022

3 (Reporter disclosure made pursuant to
4 Article 8.B of the Rules and Regulations of the
5 Board of Court Reporting of the Judicial
6 Council of Georgia.)

7 VIDEOGRAPHER: Today's date is
8 February 11, 2022, and the time is 9:04 a.m.
9 This will be the remote videotaped deposition
10 of Michael Barnes.

11 Will counsel please introduce themselves
12 and any objection to the witness being sworn in
13 remotely.

14 MR. CROSS: This is David Cross of
15 Morrison & Foerster on behalf of the Curling
16 plaintiffs.

17 MS. LaROSS: Diane LaRoss on behalf of the
18 State defendants and Mr. Barnes. We also have
19 Danielle Hernandez on the line with us from our
20 team.

21 MR. LOWMAN: And this is David Lowman on
22 behalf of the Fulton County defendants.

23 MS. MARKS: This is Marilyn Marks,
24 plaintiffs' representative, Coalition for Good
25 Governance.

1 MICHAEL BARNES, having been first duly sworn,
2 was examined and testified as follows:

3 EXAMINATION

4 BY-MR. CROSS:

5 Q. Good morning, Mr. Barnes.

6 A. Good morning, Mr. Cross. How are you?

7 Q. Good. How are you?

8 A. I'm doing well. Happy Friday.

9 Q. I'm sure this is the way you always want
10 to spend a Friday; right?

11 A. Well, I could probably think of some
12 better things to do, but, alas, we have to take care
13 of this.

14 Q. We do.

15 All right. You've been deposed before.
16 In fact, I think you may have been deposed in this
17 case years ago, so you've been through this before.

18 Do you understand that today you're
19 testifying on behalf of the Secretary of State's
20 office as what we call a corporate representative?

21 A. Yes, sir, that's my understanding.

22 Q. You understand that you are here to
23 testify on behalf of the Secretary of State's office
24 on specific topics; is that right?

25 A. Yes, sir. Yes, sir.

1 Q. Okay. Do you have Exhibit Share open in
2 front of you?

3 A. I have access to it. One second.
4 So yes, sir.

5 Q. All right. So pull up Exhibit 1, please.
6 (Plaintiffs' Exhibit 1 was marked for
7 identification.)

8 THE WITNESS: Under which folder?

9 BY MR. CROSS:

10 Q. Oh, go down to -- you'll see "Deposition
11 of Michael Barnes 2/11."

12 A. Actually, I don't see that. I see 2/16,
13 2/3, 2/4, 2/9.

14 Q. Weird.

15 So if you come down, you see where it says
16 "Deposition of Merritt Beaver," and then immediately
17 below that "Michael Barnes"? Or I don't know, maybe
18 you can only see certain things.

19 You don't have a Michael Barnes 2/11/2022?

20 A. I do not. I have Gabriel Sterling 2/16,
21 Michael Barnes 2/3, Michael Barnes 2/4, Michael
22 Barnes 2/9.

23 MR. CROSS: All right. Let's go off the
24 record.

25 VIDEOGRAPHER: The time is 9:07 a.m. We

1 are off the record.

2 (Off the record.)

3 VIDEOGRAPHER: The time is 9:12 a.m.

4 We're on the record.

5 BY MR. CROSS:

6 Q. All right. Mr. Barnes, you have

7 Exhibit 1?

8 A. Yes, sir, I do.

9 Q. All right. So take a look at Exhibit 1 in
10 front of you.

11 And do you understand that you are
12 designated to testify today on Topic 1?

13 A. Yeah, I remember seeing a list of topics
14 in which I was designated as being the one that
15 would speak.

16 Q. Okay. So just read through Topic 1, the
17 subparts a through h, and tell me if you're prepared
18 to testify on that topic today.

19 MS. LaROSS: And, David, we're going to be
20 reserving all objections except those to the
21 form of the question or responsiveness of the
22 answer until trial; is that correct?

23 MR. CROSS: Yeah, that's the default under
24 the federal rules, yeah.

25 MS. LaROSS: Sure. And I just -- you

1 know, we go into each deposition and often say
2 it or don't, but I just wanted to clarify --

3 MR. CROSS: Okay.

4 MS. LaROSS: -- we just have that standing
5 agreement with you guys. That's -- I just
6 wanted the record to be clear.

7 MR. CROSS: Okay.

8 THE WITNESS: I've looked at the items in
9 point 1a through h, and those are the items I
10 am familiar with, yes, sir.

11 BY MR. CROSS:

12 Q. Okay. Then go on to Topic 2, please, and
13 let me know if you're prepared to testify on that
14 today.

15 MS. LaROSS: David, I believe David
16 Sterling is designated for 2c.

17 MR. CROSS: Okay. Great. That's right.
18 Sorry.

19 BY MR. CROSS:

20 Q. So, Mr. Barnes, just look at 2a, b, and d.

21 A. 2a, b, and d, I -- I believe I'm prepared
22 to testify on those items.

23 Q. Okay. And then look at Topics -- just to
24 make sure -- yeah, look at Topics 7 through 11, so
25 7, 8, 9, 10, and 11, and let me know if you're

1 prepared to testify on those topics today.

2 A. Yes, sir, I believe I'm prepared.

3 Q. And then the last one is Topic 18, the
4 last one in the list, and let me know if you're
5 prepared to testify on that, too, please.

6 MS. LaROSS: It's my understanding, David,
7 that that one -- that topic was -- we
8 designated David Sterling, Merritt Beaver, and
9 Chris Harvey.

10 MR. CROSS: Sorry.

11 MS. LaROSS: And some of the topics in the
12 7 --

13 MR. CROSS: Yeah, that's right. Sorry.
14 Yeah.

15 MS. LaROSS: Okay. No -- no worries.

16 And some of the topics in 7 through 11 we
17 also designated either Mr. Sterling or
18 Mr. Beaver, but there is certainly overlap with
19 Mr. Barnes.

20 MR. CROSS: Yeah. Okay.

21 MS. LaROSS: Great. Thank you.

22 BY MR. CROSS:

23 Q. Mr. Barnes, what did you do to prepare to
24 testify on these topics today?

25 A. I have met with our attorneys.

1 Q. And when did you do that?

2 A. Let's see. In multiple occasions. Met
3 with attorneys last week in preparation for
4 deposition and also, I believe, a couple of weeks
5 prior to that.

6 Q. Okay. About how many hours would you say
7 you spent preparing?

8 A. Let's see. Last week, I was here in the
9 law office for, I believe, three and a half hours.
10 In the previous visit to the attorneys' office, that
11 was another two- to three-hour meeting.

12 And this list of items had been provided
13 to me to look over and, you know, keep my memory
14 fresh on these items to the best of my ability.

15 Q. Okay. And did you review any documents to
16 prepare for these topics?

17 A. The only documents that I've looked over
18 in preparation are previous records in the case,
19 previous -- I think some of my previous deposition,
20 reviewed that and other filings, I think, a couple
21 of times where I testified in court. Those
22 documents I reviewed.

23 Q. Did you look, for example, at -- at emails
24 or documents from the Secretary's office?

25 A. I did not go through a list of the emails

1 that I maintain in my Secretary of State inbox
2 looking for specific topic emails, no, sir.

3 Q. Okay. Did you speak with anyone other
4 than counsel to prepare on those topics?

5 A. No. I've only spoken with counsel.

6 Q. All right. Look at Topic 1 if you've got
7 that in front of you, please.

8 A. Sure.

9 Q. And if you look at 1a.

10 Walk me through the efforts that have been
11 made to determine whether malware has ever been
12 located on any component of Georgia's prior election
13 system, the DRE system.

14 A. With the prior voting system, the system
15 that was used in the state from 2002 through, what,
16 2018, that system was constantly being inspected and
17 tested to make sure that what was installed at the
18 local levels matched what had been federally
19 certified and state certified throughout the years.

20 My office, the Secretary of State's
21 office, whenever we were out in the field, in the
22 counties, any opportunity that we had to sit down at
23 the Election Management computer, we would do a -- a
24 verification test based upon hash signatures on the
25 applications to validate that what was installed on

1 the systems was what was certified for the State.
2 And those inspections always came back in line with
3 what was expected, not finding anything nefarious.

4 Local testing done by local election
5 officials prior to every election to validate the
6 system was working properly.

7 We also conducted parallel testing from
8 election to election on same dates of the elections,
9 putting in ballots, testing the results that came
10 back from the known entries to validate that the
11 calculations matched what went in. And in all those
12 instances, the system tested accurate, showed
13 results that were expected.

14 And we continued those operations
15 throughout the life history of the previous voting
16 system.

17 Q. And the testing that you're talking
18 about -- you said that the DRE system was constantly
19 inspected and tested -- what specific testing are
20 you talking about?

21 A. Well, prior to every election, of course,
22 county election officials had to go through a
23 process of logic and accuracy testing where they
24 would load the needed election that had been built
25 for that particular election onto their election

1 equipment. That would be loaded to their DRE
2 equipment. It would be loaded to their absentee
3 scanners.

4 And then a test deck, test ballots, would
5 be entered into the system with a known result prior
6 to entry.

7 Then once those ballots were entered and
8 tabulated and calculated by the DREs, by the optical
9 scan scanners, the results were compared against the
10 test deck. If counties ever found a discrepancy, of
11 course, that piece of equipment would be set aside,
12 would not be used, would be returned to the vendor
13 for repair.

14 Then if it were sent for repair, the
15 vendor would repair the equipment. Then the
16 equipment would come back through the Center for
17 Election Systems for acceptance testing to verify
18 that repair had been made, that the system was
19 working properly, and that the proper installation
20 of the certified system was installed.

21 And then it would be returned to the
22 county's possession, where the county would then go
23 through a logic and accuracy testing prior to any
24 given election to validate that the system was
25 operational.

1 Q. So you're talking about logic and accuracy
2 testing; right?

3 A. I am.

4 Q. Are you aware that malware can be designed
5 to defeat logic and accuracy testing on voting
6 equipment like DREs?

7 MS. LaROSS: Object to the form of the
8 question.

9 You may go ahead and answer if you know.

10 THE WITNESS: I know that people can --
11 can develop malware. What does it do, how does
12 it operate, how does it bypass systems, I
13 cannot speak to that.

14 BY MR. CROSS:

15 Q. So who do you rely on for that
16 information?

17 A. I rely on my IT department for assistance
18 in finding and protecting us from malware attacks.

19 On -- Secretary of State's office, we go
20 through exercises to make sure that we do not
21 have -- that we are trained on how to avoid such
22 attacks.

23 So I am -- I am always depending upon the
24 IT services that the Secretary of State's office
25 provides.

1 Q. And is that -- are you talking about
2 Merritt Beaver's department?

3 A. Yes, sir.

4 Q. You have your own IT staff in CES?

5 A. We have a member of the IT department who
6 is located at CES. He is not a member of the CES
7 team. I am not his supervisor. He is a member of
8 the IT staff and is supervised by the IT operation.

9 Q. I see.

10 So when it comes to the -- the sort of
11 technical side of election security, do I understand
12 right you and your department in CES relies on the
13 IT department headed up by Merritt Beaver for that?

14 A. Yes, sir.

15 Q. Is there any other testing that you're
16 aware of that the State did with the DRE system that
17 you believe could determine whether there's malware
18 on that equipment, apart from logic and accuracy
19 testing?

20 A. Well, again, we would do -- we would
21 perform a test on the Election Management computer,
22 which was holding the -- the software that was used
23 to program the equipment, maintains the software
24 that would take the results that came from
25 individual pieces of equipment and tabulate those

1 results and produce the results that were used to
2 certify the results of the election.

3 We would do a hash inspection of that
4 computer, and we called -- we used a system that was
5 called GEMS Verify. And that operation would look
6 at specific files maintained on the GEMS server that
7 should be static, that shouldn't be unchanging. And
8 those -- some of those files equate back to the
9 certified applications.

10 And we would do this hash compare, and the
11 hash compare was built off of the original
12 installation of the software that was obtained from
13 the federal testing lab and then used to be
14 installed on all of the devices that were rolled out
15 to the individual counties.

16 And that compare process was done to
17 validate that the installation at the county level
18 matched what had been through federal testing and
19 what had been distributed to the State of Georgia by
20 the federal testing lab.

21 Q. Okay. When you say "Election Management
22 computer," what do you mean?

23 A. This is the isolated computer that's
24 maintained in the county office that is used to
25 program your election voting equipment and also to

1 tabulate the results collected from those pieces of
2 equipment.

3 Q. Are you talking about the server at the
4 county level that hosts the Election Management
5 software so that --

6 A. Yes, yes.

7 MS. LaROSS: And, Michael, you should wait
8 until he finishes his question --

9 THE WITNESS: Oh.

10 MS. LaROSS: -- before you begin answering
11 so that the court reporter can get a clear
12 transcript.

13 Excuse me, David.

14 MR. CROSS: Yeah. No, that's helpful.
15 Thank you.

16 BY MR. CROSS:

17 Q. Are you aware that malware can be designed
18 for voting machines that defeats the hash test?

19 MS. LaROSS: Objection to the form of the
20 question.

21 You may go ahead and answer if you know.

22 THE WITNESS: I -- I personally have not
23 seen it demonstrated directly in front of me.
24 So I have heard of such, but I have never
25 interacted with it myself.

1 BY MR. CROSS:

2 Q. And do I understand correctly you would
3 rely on Merritt Beaver's department to handle the
4 ways in which the State would protect against that
5 sort of compromise?

6 A. Yes, sir.

7 Q. On the logic and accuracy testing you
8 described, is that done with the equipment in a test
9 mode?

10 A. With the previous system? Is that the
11 question?

12 Q. Yes.

13 A. With the previous system that was used
14 between 2002 and 2018, yes, sir, the logic and
15 accuracy testing was done -- the way the system was
16 designed was done in a test mode environment and
17 then, at the conclusion of the testing mode, would
18 be transitioned into election mode.

19 We would also, of course, as part of
20 continuing testing on election day, conduct parallel
21 testing, which was separate and apart from logic and
22 accuracy testing, but parallel testing was done in
23 the standard election mode using -- using the
24 election file that had been built for that election
25 with the equipment set for election mode, using the

1 date itself of the election, and during the full
2 12-hour voting period.

3 And we would actually conduct the same
4 test that we would conduct under L & A, where we
5 would put in a test deck with a known result into
6 the system and have the system calculate those
7 votes, and also we would then check that against the
8 known result.

9 And the parallel testing showed an equal
10 result, just as the logic and -- excuse me -- just
11 as the logic and accuracy testing had shown in
12 preelection mode.

13 Q. Is logic and accuracy testing done today
14 on the Dominion system?

15 A. Yes, sir, it is.

16 Q. Is that also done in a test mode?

17 A. No, sir. In the Dominion system, the
18 system is either in election mode or it's not in
19 election mode. There is not a test mode
20 environment.

21 Q. When logic and accuracy testing is done on
22 the Dominion system, is it done on election day or
23 before election day?

24 A. It's done before election day, but, again,
25 we executed a parallel testing done on the equipment

1 the day of the election.

2 During the November 2020 election, where
3 we did the same exercise, where we had a BMD and
4 printer set up, an optical scanner set up, and
5 produced a set of ballots, put them through the
6 machine on election day, just in the same manner as
7 we did during logic and accuracy testing.

8 Q. And the parallel testing you're talking
9 about with the DRE system and the BMD system, just
10 so I understand -- I think you said this, but you
11 take a single voting machine -- so with the old
12 system, it's a DRE; new system it's a BMD -- plus a
13 printer, and while the election is ongoing, you're
14 running sort of a mock election on that equipment to
15 see if it operates as it's expected.

16 Is that generally right?

17 A. Yes, sir.

18 Q. And do you recall Michael Shamos was an
19 expert that testified for the State --
20 Secretary of State's office in this case?

21 A. I -- I remember his name. I remember him
22 being a -- a witness. I don't recall any of his
23 testimony.

24 Q. Did anyone ever tell you that Michael
25 Shamos testified that the parallel testing the State

1 does with the single voting equipment is useless for
2 evaluating the security of the voting system?

3 MS. LaROSS: Object to the form of the
4 question.

5 You can answer to your understanding.

6 THE WITNESS: I -- I do not recall being
7 told that, no, sir.

8 BY MR. CROSS:

9 Q. Do you know why the Secretary's office
10 still does that with a single BMD and printer, given
11 that their own election security expert said it's
12 useless?

13 MS. LaROSS: Objection to the form of the
14 question.

15 THE WITNESS: All we do in regards to
16 continued testing of the system is working to
17 build confidence in the system. We have done
18 these tests for almost 20 years now as a -- as
19 a way of seeing and trying to look for any
20 problems in the system, and we have continued
21 to use this testing process.

22 BY MR. CROSS:

23 Q. Who made the decision at the Secretary's
24 office to test a single BMD and printer for parallel
25 testing on election day?

1 A. Well, the process has evolved through the
2 years. When we first started the testing back in
3 2004, I believe we started doing parallel testing,
4 it wasn't just one single unit, it was multiple
5 DREs.

6 We would get -- obtain copies of the
7 election database that had been installed on the
8 county-level computer and have them create a backup
9 copy of that elections project, deliver it back to
10 the Secretary of State's office, and then it would
11 be installed on a GEMS computer and then DREs would
12 be programmed. And the DREs, it would be one, two,
13 three, or four that would be programmed with
14 multiple elections from different jurisdictions.

15 And as we continued to do that testing
16 and, again, always finding everything was -- was as
17 expected, then that began -- began to be pared down
18 to fewer pieces of equipment because of longer
19 amount of time that the equipment has been in place.

20 And we have just come and settled back
21 into randomly selecting a county, and then once that
22 county is randomly selected, then an elections
23 project is obtained for that -- from that county,
24 brought back into Atlanta, installed on the -- on
25 today's system, onto the Dominion Election

1 Management System, and then media created and then
2 the testing executed.

3 Q. And who decided on that process today?

4 A. It was -- I was involved in that decision,
5 along with attorneys in the Secretary of State's
6 office.

7 Q. What attorneys?

8 A. When we set it up last was Ryan Germany
9 and Kevin Rayburn, when he was deputy general
10 counsel.

11 Q. When the new system was implemented with
12 BMDs, was there any discussion of Mr. --
13 Dr. Shamos's testimony and about the need to test a
14 whole lot more than a single BMD and printer?

15 THE WITNESS: I --

16 MS. LaROSS: Objection to the form of the
17 question.

18 THE WITNESS: I do not recall.

19 BY MR. CROSS:

20 Q. As the head of CES, is it your view that
21 testing a single BMD and printer on election day is
22 a reliable way of assessing the security and
23 reliability of some 30,000 BMDs and printers across
24 the state?

25 A. When we enter into the testing, the way

1 that the project files are built in regards to
2 programming a BMD, when you're within a single
3 jurisdiction, there's only one data file created
4 from that jurisdiction's data election project
5 that's used to program a BMD. So the same data file
6 is used to program all BMDs within a single county.

7 So if we randomly select a county, have
8 them create a backup, bring that backup into
9 Atlanta, install that into a Dominion Election
10 Management computer, then create the election file
11 that's used to program a BMD, we would be putting
12 the same file on one BMD or 500 BMDs. So it's an
13 expectation that if one BMD shows proper operation,
14 that others would as well.

15 Q. So is the answer to my question yes, you
16 think that is a reliable method?

17 A. We have found to be -- we have found it to
18 be reliable in the past.

19 Q. You've found it to be reliable because
20 it's never shown malware or a glitch with whatever
21 equipment you tested?

22 A. We --

23 MS. LaROSS: Objection to the form of the
24 question.

25 You may answer.

1 THE WITNESS: We have never encountered
2 any situation where the system did not operate
3 as expected.

4 BY MR. CROSS:

5 Q. Do you have a background in statistics?

6 A. I took some statistical classes in
7 graduate school, yes, sir.

8 Q. So why doesn't the State test a
9 statistically representative sample of voting
10 equipment, instead of 1 out of some 30,000 pieces?

11 MS. LaROSS: Objection to the form of the
12 question.

13 THE WITNESS: As you speak, there are
14 30,000 pieces of equipment. Depending upon
15 what sampling you were to set up, you would
16 then have to have access to that amount of
17 equipment and a location to set all of that
18 equipment up for testing purposes and manpower
19 to go through that testing exercise.

20 BY MR. CROSS:

21 Q. And that's not something the State can do?

22 A. The State, of course, has resources. My
23 office has a total of seven individuals, and that
24 would be a hard task for us to execute on a single
25 day.

1 Q. Are you aware that there are USB ports in
2 the current voting equipment, the BMDs and the
3 printers, that are accessible to voters in the
4 voting booth?

5 A. I am aware that there are USB ports on the
6 devices. However, accessible by the voter on
7 election day, I would -- I would raise question of
8 that.

9 Because the B -- the D -- the BMDs on
10 election day, the -- the panels where you would find
11 those USB ports are behind sealed mechanisms. There
12 are seals that are attached on the sides of the BMD,
13 there are seals that are attached on the sides of
14 the printers, to prohibit access to those locations.

15 Q. So it's your understanding that all the
16 USB ports on the printers and BMDs are covered by
17 seals on election day?

18 A. It is my understanding, yes, sir.

19 Q. But you haven't inspected those; right?

20 A. I have not been out into a county on
21 election day, no, sir.

22 Q. And who is responsible for inspecting all
23 of the seals on all of the voting equipment? Is
24 that at the county level?

25 A. The counties are responsible for

1 maintaining the security of their voting equipment.

2 Q. But you're aware that it's happened on
3 numerous occasions the counties have used BMDs in
4 elections where the seals were broken on election
5 day; right?

6 MS. LaROSS: Objection to the form of the
7 question.

8 THE WITNESS: Any notification that we
9 have obtained with a county saying that they
10 had a unit that the seal was broken, our
11 direction has always been, well, that needs to
12 be resealed or the unit taken out of operation,
13 preferably take the unit out of operation if it
14 is election day.

15 BY MR. CROSS:

16 Q. And under what circumstances would you
17 tell a county to just go ahead and reseal a broken
18 seal on a BMD on election day, rather than remove it
19 for testing?

20 A. To be honest, I don't believe I would ever
21 tell a county just to reseal it. And if it's in the
22 midst of election day, you're going to turn that
23 machine off and you're going to set it aside.

24 Q. And why is that?

25 A. Because we want to try to -- also try to

1 do our best to ensure that the system has not been
2 infiltrated in some way.

3 Q. And so if there were a handful of BMDs
4 that had been infiltrated through, say, the USB
5 ports, is it your belief that parallel testing of a
6 single BMD out of some 30,000 across the state would
7 be a reliable way to identify the infected BMDs?

8 MS. LaROSS: Object to the form of the
9 question.

10 THE WITNESS: I am just going to again
11 state that the State has performed this
12 parallel testing on election day in the past
13 and has plans to continue doing it moving
14 forward, and to this date, we have not
15 encountered any issue.

16 BY MR. CROSS:

17 Q. And the State has continued to do that
18 despite the testimony of its own election security
19 expert; right?

20 MS. LaROSS: Objection to the form of the
21 question.

22 THE WITNESS: We have continued to do that
23 testing.

24 BY MR. CROSS:

25 Q. So you talked about hash testing and logic

1 and accuracy testing on the old DRE system.

2 Is there other testing that was done to
3 look for malware or some other compromise of the DRE
4 system, to your knowledge?

5 A. I -- I do not recall at this moment.

6 Q. Do you know why the Secretary's office
7 never performed any forensic examination of any of
8 the DRE voting equipment or the -- or the servers,
9 the GEMS servers?

10 MS. LaROSS: Objection to the form of the
11 question.

12 THE WITNESS: No, sir, I do not.

13 BY MR. CROSS:

14 Q. Who would make that decision on whether to
15 conduct that type of examination?

16 A. I believe that would be a decision that
17 would be made by the Secretary.

18 Q. Do you know if there was ever discussion
19 or consideration of that type of examination of the
20 old system?

21 A. I do not know.

22 Q. Who would you ask if you wanted to know?

23 A. I -- I would ask, most likely, our general
24 counsel.

25 Q. Is that Ryan Germany?

1 A. Yes, it is.

2 Q. Are both logic and accuracy testing and
3 the hash testing that you described with the old
4 system, are those both still done with the new
5 system?

6 A. Yes, they are.

7 Q. And are they still done generally in the
8 same way, except that the logic and accuracy testing
9 is done in election mode?

10 A. That is correct.

11 Q. And there's also not been any forensic
12 examination of the voting equipment or the -- the
13 servers that are used with the Dominion system,
14 right, by the State?

15 A. At the end -- after the conclusion of the
16 November 2020 election, the State did work with
17 Pro V&V, who is a federal testing lab, to come in
18 and go to a number of counties and did a random pull
19 of BMDs and ICP scanners to do a hash validation
20 examination on the -- on those devices to see if
21 anything had changed in the applications that had
22 been installed.

23 Q. Right, but that was a -- that was another
24 one of the hash tests that you talked about before;
25 right?

1 A. Yeah, that was a -- that was a hash
2 inspect where they would bring -- they -- they
3 removed the application from the devices and did a
4 hash compare based upon the certified -- the gold
5 copy, the copy maintained by Pro V&V of the
6 applications.

7 Q. And so you're not aware of any forensic
8 examination of any of the voting equipment in
9 Georgia with the Dominion system; right?

10 MS. LaROSS: Objection. Form of the
11 question.

12 THE WITNESS: I can only speak to what I
13 just mentioned.

14 BY MR. CROSS:

15 Q. Is it your belief that the hash test that
16 Pro V&V did after the November 2020 election, that
17 that's a forensic examination --

18 COURT REPORTER: Excuse me, excuse me --

19 MR. CROSS: Yeah, sorry. Let me say it
20 again.

21 COURT REPORTER: Thank you.

22 BY MR. CROSS:

23 Q. Is it your belief that the hash test that
24 Pro V&V did after the November 2020 election, that
25 that is a forensic examination of the voting

1 equipment?

2 A. I'm just thinking that that's a -- that's
3 an examination that was done. Whether that meets
4 the definition of "forensic" in the information
5 sector of the world, I do not know.

6 Q. Is there any other examination of the
7 Dominion voting system that you're aware of that you
8 would think of as potentially a forensic examination
9 by the State or the counties?

10 A. I cannot think of one, no, sir.

11 Q. And would that also be -- would you expect
12 that to be the Secretary's decision, as with the DRE
13 system?

14 A. Yes, sir.

15 Q. And do you have any knowledge on whether
16 that's ever been discussed or considered?

17 A. I do not know.

18 Q. I gather you don't know why it's not been
19 done, then?

20 MS. LaROSS: Objection to the form of the
21 question.

22 Go ahead.

23 THE WITNESS: I do not know.

24 BY MR. CROSS:

25 Q. And if you wanted to know if it had been

1 considered, who would you ask?

2 A. Again, I would -- I would -- I would point
3 my question to general counsel.

4 Q. Okay. You mentioned earlier that L & A
5 testing -- strike that.

6 You mentioned earlier that if a
7 discrepancy arises with voting equipment during
8 logic and accuracy testing, the equipment is -- is
9 not used and -- and may be sent back to the
10 manufacturer for repair; is that right?

11 A. That is correct.

12 Q. How often are there those sorts of
13 discrepancies with the Dominion equipment,
14 approximately?

15 A. We are just now entering our second full
16 use of the -- of the system in the Dominion
17 environment. There have not been very many -- I
18 can't think of an instance where the system
19 wasn't -- didn't calculate properly.

20 There have been issue -- instances where
21 the scanner would not take the ballot, the rollers
22 on the ICPs were not pulling properly and the ballot
23 couldn't be processed, and I know that equipment has
24 been returned to the vendor for repair.

25 I know of LCD screens on the ICPs that are

1 not responsive to touch that have been sent back for
2 repair.

3 But at this point, we have not had a high
4 volume of equipment repair come back through our
5 office for acceptance testing and redistribution to
6 the county.

7 Q. Has there ever been a time with the
8 Dominion system where any of the equipment did not
9 pass the hash test?

10 A. We have not encountered that at this
11 moment in time.

12 Q. What about with the prior DRE system?

13 A. I can only think of one instance of where
14 the Election Management System, when we did the hash
15 compare, came back with a single mismatch. And that
16 was in a report-generating file that had a mismatch,
17 and then, of course, that server was immediately
18 replaced with a new server.

19 But that is the only -- only instance that
20 we've ever had a hash value not come back and be
21 equal.

22 Q. And when was that?

23 A. Honestly, I can't remember the exact year
24 that was. It was -- I would -- I would be guessing
25 right now to tell you the year, but it was -- it

1 would be a guess right now to tell you the year.

2 Q. Would you say it was within the last five
3 years? Last ten years? What's your best
4 approximation?

5 A. Within the last ten years, not within the
6 last five years.

7 Q. Okay. And we're talking about a GEMS
8 server; is that right?

9 A. Right, this was a -- was a GEMS server.

10 Q. Was that county or state?

11 A. It was found at the county level.

12 Q. Do you recall what county?

13 A. I believe it was Newton County, but I
14 could be mistaken.

15 Q. When was that testing done in relation to
16 an election? Was it -- are we talking, like,
17 shortly before an election? Shortly after? What do
18 you -- what do you recall?

19 A. I -- I don't recall the specific time that
20 it was done. It was -- I -- I -- I do not recall.

21 Q. Okay. Was it being done before some kind
22 of election that was upcoming? Is that usually when
23 the hash testing is done?

24 A. No. The hash testing was normally done
25 whenever we were in a county for reason. It could

1 have been that they were -- that they had just moved
2 into a new elections office and their election
3 equipment had to be moved. Whenever that takes
4 place, before the equipment can be used again, we
5 would appear and do an -- an equipment test and
6 validation test to make sure that nothing had
7 happened to the equipment during that move.

8 So I assume that it was probably in
9 conjunction with something of that nature, but I --
10 I just -- I don't remember.

11 Q. And what happened with the server? What
12 did you guys do with it?

13 A. The server was brought back to the Center
14 for Election Systems, and then my recollection of
15 the event was trying to determine, okay, well,
16 what -- what created this -- this mismatch.

17 And my recollection was -- determined that
18 it was never an issue with any application, but it
19 was one of the report files -- one of the files
20 that's used to generate one level of a -- a
21 printable report had -- was given a mismatch and had
22 not been installed properly, was what was -- was
23 found. That's my recollection.

24 Q. How long had that server been used in the
25 county?

1 A. I do not know. I -- I can't recall that.

2 Q. But this -- this wasn't a new server that
3 had just been installed; this was a server the
4 county had used for elections and you guys were
5 doing your hash testing?

6 A. Yeah, again, I don't recall how old or how
7 many -- if -- if and even that server had been used
8 in an election. I don't know.

9 Q. You said that there was an issue with one
10 of the report files.

11 A report for what?

12 A. Again, I don't remember which exact one.
13 It's -- there are a litany of printable reports that
14 can be generated from the GEMS computer. It could
15 have been a report showing you the list of
16 districts. I don't know. I -- I don't recall what
17 report it was.

18 Q. Does CES still have the -- that GEMS
19 server, or is it gone?

20 A. I believe that one is gone, being part of
21 the old system. If -- if -- if CES still has it,
22 it's still in our secured closet where we're
23 maintaining anything that we had whenever the system
24 transitioned over to the new system.

25 But, again, I -- I don't -- I cannot speak

1 to that, whether we have that specific box anymore
2 or not.

3 Q. Okay. In any of the testing that has ever
4 been done in Georgia on either the prior or old
5 election system that you're aware of, has there ever
6 been any suspicion of malware on any of that
7 equipment?

8 A. No, sir, not that I'm aware of.

9 Q. Let's talk about Topic 1b, "Any efforts
10 made to 'air-gap' any Components of Georgia's
11 Current Election System...."

12 A. Hold on a second. My Veritext just cut
13 out.

14 Q. Oh.

15 MS. LaROSS: Okay. Hang on for a moment
16 here.

17 MR. CROSS: Sure.

18 VIDEOGRAPHER: Counsel, did you want to
19 stay on the record?

20 MR. CROSS: Yeah, let's go off the record.

21 VIDEOGRAPHER: The time is 9:55 a.m.
22 We're off the record.

23 (Off the record.)

24 VIDEOGRAPHER: The time is 9:56 a.m.
25 We're on the record.

1 BY MR. CROSS:

2 Q. Do you have Exhibit 1 in front of you?

3 A. Yes, sir, I do.

4 Q. Okay. So the latter part of Topic 1a --
5 we talked about the first part -- the latter part
6 references "any exchanges of software or data
7 between any Component of the two election systems
8 and the use of the same computers, servers, or
9 removable media with both systems."

10 What, if any, data or software has been
11 exchanged between any component of the DRE system
12 and the BMD system?

13 A. I am not aware of any computers or servers
14 that were used at the -- that -- to hold on to the
15 GEMS application being used to execute the Dominion
16 application in any way. Everything was replaced at
17 the county level; everything has been replaced at
18 the State level. Computers that were used to
19 program a DRE, those were an own set of computers.
20 Computers used to program BMDs and run the Dominion
21 system was a whole 'nother set of computers.

22 Q. So your understanding is at the State
23 level, there were no computers that ever were used
24 with the DRE system that are now used with the BMD
25 system?

1 A. There are no computers that I am aware of
2 that have been used to execute the GEMS application
3 and also used to execute any of the Dominion
4 applications.

5 Q. So you're talking specifically about the
6 computers within what the State calls the air-gapped
7 environment for the Election Management server; is
8 that right?

9 A. Yes.

10 Q. What's the basis for your belief that the
11 counties made the same equipment replacement?

12 A. Well, one, the State went and collected
13 all of the GEMS Election Management computers from
14 all 159 counties, and then Dominion installed new
15 Election Management computers in all 159 counties.

16 And those computers were not transferred
17 and installed in the county until a member of the
18 Secretary of State's office had done an acceptance
19 test on those new Election Management computers.

20 Q. And when you say that the State installed
21 new Election Management computers in the county,
22 you're talking the Election Management server?

23 A. That is correct.

24 Q. The -- the individual desktops or laptops
25 that the county officials use to work with that

1 server, the State didn't replace all of those,
2 though; right?

3 A. No, the State replaced all of those.

4 Q. The State replaced all of the computers
5 and desktops that are also used with the county
6 Election Management server?

7 A. The -- the State replaced all of the
8 computers that a county uses to interact with the
9 Election Management System, yes, sir.

10 Q. The State did not do the same for
11 removable media like USB drives, flash drives;
12 right?

13 A. As part of the distribution of the voting
14 system, the vendor included a large quantity of USB
15 drives for use with the new voting system.

16 Q. And when were those provided?

17 A. Those were provided in -- the exact time
18 frame, which date did the county get the supply from
19 the vendor, I can't speak to, but they were
20 distributed during the distribution of the voting
21 system in 2019.

22 When the system started, I think there was
23 a smaller set of jump drives, USB drives, that were
24 distributed to counties, and I think the total
25 amount that the vendor was obligated to provide to

1 the counties was completed in 2020, I'm go- -- I'm
2 thinking by sometime in early March of 2020.

3 Q. Right.

4 At least in early 2020, say in the
5 January/February time frame, the counties were still
6 reusing their older flash drives from the DRE system
7 with the BMD system; right?

8 A. In one circumstance -- and I believe this
9 was in January of 2020 -- the -- we had an
10 unexpected State election to fill a vacancy, I
11 believe, in the State house, and I believe it was in
12 Southwest Georgia, Decatur County, I think.

13 And as -- being a State election, the
14 county is required to create an export file and
15 transport that export file to the State for election
16 reporting purposes, because it's a State race. And
17 at the time, this jurisdiction -- I think Decatur
18 County -- had been a pilot county for the new
19 system. They had used the system in a preceding
20 November election in which they -- they didn't have
21 to do any election night reporting or upload to the
22 State, but in January they were going to need to do
23 an election -- an upload.

24 And at the time, they did not have another
25 USB drive that they could use to transfer data over

1 from the Election Management computer over to the
2 computer they use for upload to the Secretary of
3 State's Election Night Reporting, and they did ask
4 if it would be okay if they would use a drive that
5 had been provided by the State previously for those
6 same purposes with the old system. And we did give
7 them clearance to use that particular drive.

8 Q. You're not suggesting that's the only
9 instance when a county has used a USB drive from the
10 DRE system with the BMD system; right?

11 A. I'm just speaking to one instance that I
12 am aware of.

13 Q. You're saying you're not aware of any
14 other instance?

15 A. I am just speaking to the one instance I'm
16 aware of.

17 Q. So, again, does that mean you're not aware
18 of any other instance?

19 MS. LaROSS: Objection to the form of the
20 question.

21 THE WITNESS: I -- I am -- I'm stating the
22 one that I am aware of.

23 BY MR. CROSS:

24 Q. Well, are you aware of any other instance
25 where anyone at the county or state level used a USB

1 drive with the Dominion system that had also been
2 used with the GEMS system?

3 A. I do not know.

4 Q. You just don't know one way or the other?

5 A. I -- I do not know the exact individual
6 drives that the county uses to interact with
7 their -- their system on a -- on an
8 election-by-election operation.

9 Q. In the current system, counties typically
10 reuse flash drives from one election to the next;
11 right?

12 A. With the current system, yes, they have --
13 again, they were provided a set of USB drives that
14 were being used to -- to interact with the voting
15 system, yes, sir.

16 Q. In addition to the -- the Election
17 Management server the counties have, they also have
18 an Election Night Reporting server or computer that
19 they use to send election results to the State;
20 right?

21 A. Yes, sir. They have to -- they have to
22 use a computer in the -- in the office that has a
23 connection that allows them to connect to the
24 Secretary of State's Election Night Reporting page.

25 Q. And when the Dominion system rolled out,

1 the State and counties didn't replace the ENR
2 computers; right?

3 A. No, the State never provided counties with
4 computers for direct connection to the Election
5 Night Reporting System. Those -- the counties have
6 always used county-maintained equipment to access
7 that -- that particular page.

8 Q. In the -- just so I understand the process
9 right, do I understand correctly that the way the
10 election night reporting works is the tabulation
11 results are taken from the scanners on memory cards
12 that are then plugged into the county Election
13 Management server, the -- the vote tallies are sort
14 of tabulated or aggregated there, and that then
15 comes off the county Election Management server on a
16 USB drive that's plugged into the Election Night
17 Reporting computer, and the results are then sent
18 over the Internet to the State; is that right?

19 A. On election night, the -- the scanners
20 that are used to scan the ballots and tabulate the
21 results, there are two types of scanners. There's
22 the ICP scanner, which is the ImageCast Precinct
23 scanner used in the polling location. When that
24 tabulator is closed, a tab- -- a tabulation tape is
25 produced by that device.

1 Information that that device collects is
2 then stored to two compact flash cards. One of
3 those two compact flash cards is removed from the
4 ICP and transported back to the election -- to the
5 elections office, where it is then uploaded into the
6 Election Management computer using an application
7 called -- RTR is the acronym, RTR. It's -- Results
8 Tally & Reporting is the application.

9 And then information from the compact
10 flash card is -- is uploaded into the Election
11 Management computer through RTR. RTR then
12 aggregates those result files and produces a
13 cumulative result file for the county.

14 The county can then generate an export
15 file from RTR. The export file is in a common --
16 not a commonly delineated -- but a CSV file.

17 That CSV file is then transferred from the
18 Election Management computer onto some sort of
19 removable media that is then removed from the
20 Election Management computer and taken over to a
21 county-maintained computer that would be connected
22 to the Internet.

23 That remov- -- removable media is then
24 inserted and then the county signs in to the
25 Secretary of State's Election Night Reporting

1 application using username and passwords, and then
2 they upload that CSV file into the Secretary of
3 State's ENR page, and then that -- that service
4 aggregates that file and loads it into a State
5 display of results.

6 Q. That -- the computer where counties
7 typically upload the election results into the --
8 the Election Night Reporting application, that's not
9 a standalone computer just for ENR purposes; right?

10 A. It could be in that particular county or
11 it may not be. I -- I do not know. Some
12 counties -- each county sort of manages that in
13 their own particular way.

14 So I have heard of counties that they
15 isolate a specific computer for that and I know of
16 other counties that do not isolate a specific
17 computer for that action.

18 Q. What data or software -- we talked about
19 equipment, but what data or software, if any, was
20 exchanged between the old election system with the
21 GEMS DREs and the Dominion system?

22 MS. LaROSS: Objection to the form of the
23 question.

24 THE WITNESS: I'm not aware of any
25 specific other applications on the servers --

1 you know, I don't -- I'm not aware of any of
2 the same version applications or anything that
3 was on an old system that was housing GEMS
4 versus on a new computer that would be housing
5 the Dominion applications.

6 BY MR. CROSS:

7 Q. Well, the Dominion system also needed
8 access to the voter registration data in the same
9 way that the GEMS system did; right?

10 A. Well, no. The -- the GEMS system, the
11 only avenue for entering in voter registration
12 information into GEMS was to manually key it in, and
13 that is the same that is in place with the Dominion
14 system. Whenever a county is putting in their total
15 number of registered voters within the Dominion
16 application, they have to open up the Dominion --
17 they have to go to the Election Management computer,
18 open up the election project using the application
19 that's called Election Event & Design, EED, and
20 inside that application, they can go in and -- and
21 key in the number of active registered voters per
22 precinct.

23 And that's -- there was a similar
24 operation that was done on the GEMS computers, where
25 you would open up -- go to the Election Management

1 computer that was housing GEMS, open up the specific
2 GEMS database, and then enter in your voter
3 registration totals by -- by the base precinct
4 level, I believe it was in GEMS.

5 Q. The ballot -- the ballot-building process
6 requires voter registration data; right?

7 A. The ballot-building process is dependent
8 upon reports that come out of the voter registration
9 system. And these reports outline the individual
10 precincts that are in a county, the divisions in
11 that precinct, what are the district combinations in
12 those precincts, and what political districts are
13 aligned to those particular district combinations.

14 We have to have those reports -- and it's
15 a physical report that comes out of the -- out of
16 eNet, which is the State's voter registration
17 system -- that ballot builders then use to key in
18 that information into the Election Management System
19 computers.

20 Q. So -- so in the ballot-building process,
21 when the ballot builders are looking at voter
22 registration data to build the ballots for a
23 particular election, do I understand correctly
24 they're relying on hard-copy reports, as opposed to
25 pulling data out of the voter registration system

1 and onto whatever computer they're building the
2 ballots on?

3 A. That is correct.

4 Q. And what's the basis for that
5 understanding of yours?

6 A. Well, the basis of understanding is that's
7 how the system is built, is -- in the -- in the
8 previous system, in order to get information that
9 was in the registration system, you had to key it
10 in. There is no -- there was no -- there's no
11 im- -- there was no import system. There was no
12 report that could be generated out -- out of eNet in
13 any format that could then just be imported into the
14 GEMS system.

15 In the Dominion system, it's the same --
16 same setup. We have a data set, a printable report
17 that can be generated from eNet, and then we use
18 that same keystroke process of ballot builders
19 looking at the report with their eyes and going into
20 the application, the Dominion application, and
21 building a precinct, and then associating that
22 precinct to the necessary districts that had been
23 built into that election project.

24 Q. In the old GEMS DRE system, the ballot
25 building occurred at individual contractors' homes.

1 Do you recall that?

2 A. That -- that took place in 2018, when the
3 Secretary of State's office was bringing the Center
4 for Election Systems back into the Secretary of
5 State's office at the time.

6 And the Secretary of State's office did
7 not have employees at the time who were versed on
8 the Election Management System, on the GEMS Election
9 Management System, and the Secretary of State's
10 office did contract with Election Systems & Software
11 for assistance in building the election databases in
12 2018. And they were built by contractors who were
13 working for Election Systems & Software.

14 Q. When the -- since the Dominion system has
15 been implemented, where does the ballot building
16 occur?

17 A. It's -- it's occurred in two different
18 phases.

19 When the Secretary of State's office
20 completed their contract with Dominion for the new
21 voting system, as part of that contract, Dominion
22 would provide ballot-building services for the State
23 of Georgia from the time that the contract was
24 signed until the end of the State's fiscal year in
25 2021. So up until June 30th of 2021, if an election

1 project was needing to be built, it was built by
2 Dominion.

3 Since July 1 of 2021, the Secretary of
4 State's office has been building the election
5 projects that are needed for any election that is
6 scheduled within the -- within the state.

7 Q. When Dominion was building the ballots,
8 where did they physically do it?

9 A. They set up location -- they had a office
10 location, warehouse location, in Metro Atlanta. It
11 was in -- off of Highland Parkway in Smyrna,
12 Georgia, and they had their -- their staff set up at
13 that location and that is where they were conducting
14 their ballot-building operations.

15 Q. How did the State and counties get the
16 ballot-building files from Dominion in that system?

17 A. In that process, when an election project
18 was needed, the Secretary of State's office would
19 communicate with individual counties and obtain
20 whatever information was needed to be placed onto an
21 upcoming election ballot, what were the contests,
22 who were the candidates.

23 The Secretary of State's office would
24 generate the voter registration reports, those
25 reports we spoke of earlier that outlined the

1 precincts, the combos, the districts that are
2 aligned thereto. And all of that information would
3 be compiled and then provided to Dominion, who would
4 then take that product, that information, and
5 produce -- begin building the election project file.

6 When -- there's a -- there's a point when
7 the project file has been built to a point to where
8 it needs to then be proofed to verify that what has
9 been built in relation to content is what is needed
10 for the given election.

11 We set up a process where the -- the
12 Dominion side would produce what we would call a
13 proofing packet, and the proofing packet contained
14 PDF copies of the ballots as they would be
15 constructed on an optical scan ballot and then a
16 litany of individual Excel reports that outlined the
17 precincts in the project, how the precincts were
18 divided, what were the district combos in the
19 precincts, what ballot styles related back to those
20 precincts and -- and district combos, tabulator
21 reports, what equipment had been set up, to what
22 polling places was it assigned, what type of
23 configurations were assigned to those equipment in
24 relation to how it -- how will it interact with
25 ballots. So there was a size -- a number of

1 reports.

2 There were audio files for us to review to
3 make sure that candidate names were being read
4 properly.

5 When a proofing packet was ready, it would
6 be brought to the Secretary of State's office, where
7 member of CES would then go through the proof
8 package and compare its content based upon what was
9 in the original information obtained from the county
10 in relation to, again, precincts, the -- the
11 information within the precincts, the contests, the
12 candidates.

13 If CES found all of that stuff to be
14 correct, CES would then distribute to the counties a
15 copy of that -- of that proof packet with
16 instruction on how they would need to go about and
17 review that packet to make sure that it is correct.

18 Sometimes counties would get the packet
19 and then they would find mistakes that we had not
20 found in our proofing process. Whenever a mistake
21 was found, a -- a written indication of what the
22 mistake was would be given, and then that correction
23 would be given over again to Dominion for them to
24 then correct the data package, a new proof package
25 would be generated, and it would go through that

1 proofing process a second time, end up in the
2 county's hands.

3 Once the county then said, "Yes,
4 everything is complete and accurate in the proofing
5 packet," the county would then send over a sign-off
6 sheet with signature indicating that they had
7 reviewed the proofing packet, found it to be
8 correct.

9 When CES was in possession of that
10 sign-off, CES would then notify Dominion that the
11 county had signed off on the proofing package.
12 Dominion would then finalize the election project,
13 and that's where the user names and passcodes for
14 that assigned county would be set into the elections
15 project and the election project would be made ready
16 for election.

17 That election project would then -- was
18 then hand-delivered to the Elect- -- to CES, where
19 CES would then transfer that election project onto a
20 brand-new, freshly formatted USB drive, and then
21 that USB drive would be placed into a locked bag
22 specifically for the county.

23 And then that locked bag is then delivered
24 to the county for the county to unlock, remove
25 the -- the USB drive, and begin their process of

1 installing that election project into their Election
2 Management computer.

3 Q. How were the proofing packets generated by
4 Dominion provided to CES when Dominion was doing the
5 ballot building?

6 A. It was done in two ways. The election
7 project may have been placed onto a jump drive and
8 delivered -- hand-delivered to our office.

9 When we were in the midst of the pandemic
10 and we were not always in the office every day,
11 Dominion had set up a secured SFT site on their
12 system, and then those proof packets were
13 transferred electronically to that SFT site, where
14 we would have access to log in and pull that packet
15 down that contained the PDF files and Excel reports
16 for us to inspect.

17 Q. Do you mean SFTP?

18 A. Yes, S- -- SFT.

19 Q. SFTP?

20 A. You -- you may -- I -- I remember it as
21 SFT, but you are probably correct as SFTP.

22 Q. Okay. Okay. I understand what you're
23 talking about.

24 In -- in the time frame when Dominion and
25 CES were exchanging the -- the proof packets over

1 the -- I think it's an FTP site, but SFT, as you
2 called it, was that same system also used to get the
3 packages to the counties?

4 A. No. A different system would be used to
5 transfer the -- the -- the packet to the county.
6 The Secretary of State's office maintains an FTP
7 that each individual county has access into, and CES
8 also has access to that FTP.

9 And when we would complete our proofing of
10 the election packet that had been provided to us by
11 Dominion, we would then post to that SOS-maintained
12 FTP a copy of the election packet and notify the
13 county that the packet had been placed out there for
14 their review.

15 Q. Okay. And once you got to the final stage
16 of the election project coming, so you're beyond the
17 proofing packet and Dominion is providing the
18 election project, was that also sometimes provided
19 to the State over this SFT?

20 A. No, sir, it was not. We -- we wanted them
21 to bring the election project, the finalized
22 project -- hand-deliver that to our office. We did
23 not want that election project transferred through
24 the FTP means.

25 Q. When the project package came in through

1 the SFT, did that go directly into the State
2 Election Management server?

3 A. The -- the proofing -- the proofing
4 packet? Which -- which one are you referencing?

5 Q. Oh, I'm sorry. I may have misspoken, yes.
6 Back up.

7 The proofing packet that you said
8 sometimes comes in over -- I think you said SFT, did
9 that go directly to the Election Management server?

10 A. No, because the proofing packet was
11 nothing more than a set of PDF files and Excel
12 files. So that -- it -- it was not a project file,
13 it was information generated from an election
14 project file that was used to proof the content of
15 an election project file. It was not the election
16 project file. It was PDF files; it was Excel
17 spreadsheets.

18 Q. So that went to a computer in CES?

19 A. Yes, that would be on a computer in CES.

20 And then you would -- we would review that
21 packet for content to make sure it had the right
22 precincts, the precincts were labeled the right way,
23 that the precincts had been built properly, that the
24 ballots that were resulting from that process
25 contained the right races, were organized in the

1 right way.

2 And then once we approved of that packet,
3 found it to be correct, that packet was then shared
4 with the county for their approval.

5 Q. At the election project stage, you said
6 that that goes from CES to the counties on a new --
7 I think you said a brand-new and newly formatted USB
8 drive; is that right?

9 A. That is correct.

10 Q. And that's put in some sort of locked bag;
11 is that right?

12 A. That's correct.

13 Q. And then that bag goes to the county.

14 How is that delivered to the county?

15 A. It's delivered in one of two ways. It was
16 either shipped via UPS with a tracking ID or it
17 could be hand-delivered by an SOS investigator,
18 depending upon the time frame.

19 Q. What is this -- what does this bag look
20 like? Is it like one of those bank bags that people
21 used to take --

22 A. Yes. Sorry. Yes, it's a -- it looks like
23 a bank bag, an old bank bag. It is red in color.
24 It has the county's name on -- on the bag, also the
25 county's numeric number -- like Columbia County is

1 36. On the back of the bag is the state seal, and
2 it has a -- a zip pouch that has a key lock that
3 when you zip it up, you lock it with a key.

4 And CES has a key to that bag, the
5 Secretary of State's office downtown has a key to
6 that bag, and then the individual county that it's
7 assigned to has a key to that bag.

8 Q. Okay. And when it gets shipped, is it --
9 do you put these things in like a box or do you just
10 ship the bag?

11 A. We put the bag inside a box and then the
12 box goes inside a UPS envelope.

13 Q. Okay. Does each county have its own
14 assigned bag with its own unique lock?

15 A. It does.

16 Q. And so the county has its own key when
17 this thing shows up?

18 A. That is correct.

19 Q. And who at the county level is responsible
20 for maintaining the key?

21 A. The election supervisor.

22 Q. And do you know -- does the State have
23 requirements on how the key is to be maintained, or
24 is that for the counties to determine?

25 A. That's for the counties to determine.

1 Q. Is there any confirmation protocol for
2 when this thing arrives at a county to confirm that
3 they have received it, they've opened it, the right
4 people have access to it?

5 A. What we have set up is -- is the
6 following.

7 When -- when an election project has been
8 finalized and ready to be shipped or delivered to
9 the county, we post to the county FTP location an
10 informational document that the county pulls down.
11 And that information document gives the county the
12 usernames and passwords they need for the project,
13 but they also are given a CES access code.

14 When the election project is placed onto a
15 USB drive for distribution to the county, the -- the
16 file -- we do a password protect on the file onto
17 the USB drive, and you can't remove the file from
18 the USB drive without obtaining the password from
19 CES.

20 And the way you obtain the password from
21 CES is you have to have access to the Secretary
22 of State's FTP site. You have to then download that
23 informational file. You then have to call CES and
24 provide that access code, and at the time of
25 providing that access code, we can then give you the

1 passcode to be able to extract the information from
2 the USB drive.

3 Q. Is that access code the same for all
4 counties?

5 A. It is not.

6 Q. So each county has its own access code?

7 A. That is correct.

8 Q. Does each county also have its own
9 individual passcode for the election project files
10 on the USB drive it receives?

11 A. The -- yeah, the election project file --
12 every new election project that's generated is given
13 a new set of passcodes for that given election.

14 Q. And that would be the same across all
15 counties?

16 A. No. Each individual county has its own
17 passcode.

18 MS. LaROSS: David, I don't mean to
19 interrupt your train of thought, but if there's
20 a point where we can take a break, I would
21 appreciate doing so.

22 MR. CROSS: Sure. Just give me a few
23 minutes, okay, Mr. Barnes?

24 MS. LaROSS: Yeah. Okay.

25 THE WITNESS: Yeah, a few more minutes.

1 MS. LaROSS: Yeah, no problem.

2 BY MR. CROSS:

3 Q. Just to wrap up this topic.

4 And so that was the process until -- I
5 think you said July of 2021; is that right?

6 A. Well, it's still the process of today.

7 Q. Sorry. Yeah, let me ask a better
8 question.

9 Dominion was building the ballots for
10 Georgia with its Dominion system until July of 2021;
11 is that right?

12 A. Yes, sir.

13 Q. Why was Dominion building ballots at any
14 point, rather than just having the State do it
15 itself?

16 A. Because of the knowledge base that was --
17 that's needed to gain about an Election Management
18 System and how to build a ballot properly.

19 We -- we signed on with Dominion as our
20 vendor in 2019, and at that time, the State did not
21 have anybody employed that knew enough about the
22 Election Management applications to build a ballot
23 on their own.

24 And to build an election project is --
25 is -- is an important task. We want to make sure we

1 have it built right. So the State built into its
2 contract negotiations with an understanding that it
3 was going to take time for the Secretary of State's
4 office to build up its internal knowledge on the use
5 of the application in order to take over the
6 ballot-building operations.

7 And the same process was done in 2001,
8 2002, when the State contracted with Diebold at the
9 time for the new voting system. Diebold built the
10 ballots for the State of Georgia for the first year,
11 and then the State of Georgia had built its
12 knowledge of the application to where it could take
13 over that operation.

14 Q. And so since July of 2021, CES builds the
15 ballots; right?

16 A. Yes, sir.

17 Q. Who in CES is responsible for that?

18 A. We have -- we have four full-time
19 employees that are tasked with building election
20 project files.

21 Q. Are they former Dominion employees or are
22 they people Dominion trained?

23 A. They are people that Dominion trained.
24 None of these four people -- well, one is a former
25 Dominion tech. He had worked for us before he was a

1 Dominion tech. He was part of our equipment-testing
2 group in 2019 and early '20 and then he went to work
3 for Dominion as a county tech, and then we were
4 lucky enough to hire him on as a full-time employee
5 in our office.

6 Q. And the other three that have been
7 building ballots for CES since July of 2021, are
8 those -- were those already State employees at the
9 time that they began this work?

10 A. Right, one is -- one is a full-time,
11 permanent employee; the other two are contract, but
12 they're contract full time.

13 Q. And where do they physically build the
14 ballots?

15 A. In -- within CES. Within our -- within
16 our offices.

17 Q. So even throughout the pandemic, they have
18 not worked remotely at any point?

19 A. Well, again, during 2020, we were not
20 building the election projects; those were being
21 built by Dominion.

22 We, during 2020, were working remotely.
23 This was during the time when we were proofing the
24 packets. But when it came time to distribute the
25 election projects when we have gained possession of

1 those, we would be in the office when we would gain
2 possession of those, and then they were packaged
3 within our office and then shipped out from our
4 office.

5 Q. But since July of 2021, when CES took over
6 the ballot building, the individuals who were
7 responsible for that, they never worked remotely on
8 that project?

9 A. They -- they do not have the ability to
10 work with an elections project remotely. They have
11 to be inside the office to work on an elections
12 project.

13 Q. And the computers they do that on, are
14 those part of what you consider the air-gapped
15 Election Management System or -- or are those
16 different computers?

17 A. In our -- in our office, our employees
18 have two computers at their desk. They have their
19 SOS-provided -- SOS computer, which is used to
20 communicate with the outside world and to do the
21 work that you do as an employee of the Secretary of
22 State's office, and then they have a second computer
23 that is connected to our private system that is
24 air-gapped, that is isolated from outside
25 interconnection. And that is the system that they

1 use to produce their election project files.

2 Q. So these folks don't do any work on the
3 election project files, including any proofing
4 packets, on the -- the computers that are not part
5 of this air-gapped system; is that right?

6 A. That is -- that is correct. We -- we do
7 our work on the private side when it comes to
8 election projects.

9 MR. CROSS: All right. Sure, let's take a
10 break.

11 VIDEOGRAPHER: The time is 10:36 a.m.

12 We're off the record.

13 (Off the record.)

14 VIDEOGRAPHER: The time is 10:54 a.m.

15 We're on the record.

16 (Plaintiffs' Exhibit 2 was marked for
17 identification.)

18 BY MR. CROSS:

19 Q. So, Mr. Barnes, wrapping up Topic 1a
20 briefly, just so we're clear, you're not aware of
21 any malware or other compromise that affected the
22 election outcome of the November 2020 elections in
23 Georgia; do I understand that right?

24 A. I am not aware of anything that
25 compromised the system in November of 2020.

1 Q. And as the head of CES for the State, do
2 you have a view on whether the election outcome of
3 the presidential election and the other
4 November 2020 elections were accurately decided?

5 A. In relation to my interactions with
6 elections within the State of Georgia, I feel like
7 everything was executed as it should have been
8 executed.

9 Q. You don't -- you don't personally, based
10 on your experience and role as the head of CES, have
11 any doubts about the election outcome; is that
12 right?

13 A. I do not have any doubts.

14 Q. And you're not aware of any widespread
15 fraud in the State of Georgia in the November 2020
16 elections?

17 A. No, sir, I am not.

18 Q. Is that true for any election? Let me --
19 well, let me ask a better question.

20 Are you aware of any widespread fraud
21 affecting any elections in Georgia since the time
22 you've been the head of CES?

23 MS. LaROSS: Objection to the form of the
24 question.

25 THE WITNESS: I am not.

1 BY MR. CROSS:

2 Q. Are you aware of any election fraud at all
3 that potentially altered an election outcome in
4 Georgia since you became the head of CES?

5 A. Not --

6 MS. LaROSS: Objection to the form of the
7 question.

8 Go ahead, you can answer to your
9 understanding.

10 THE WITNESS: I am not.

11 BY MR. CROSS:

12 Q. You're aware of a phone call that was
13 publicly reported between the former president,
14 Donald Trump, and Secretary Raffensperger regarding
15 the November 2020 election; right?

16 MS. LaROSS: I -- I object to the form of
17 the question.

18 THE WITNESS: Yes, sir, I'm aware of the
19 report.

20 BY MR. CROSS:

21 Q. And you're aware that it was reported that
22 in that call, former President Trump asked Secretary
23 Raffensperger to find a specific number of votes for
24 him in that election.

25 Do you recall that?

1 MS. LaROSS: I object to the form of the
2 question.

3 And, David, can you clarify what topic
4 you're asking this question under?

5 MR. CROSS: He's also testifying in his
6 personal capacity today.

7 BY MR. CROSS:

8 Q. Go ahead, Mr. Barnes.

9 MS. LaROSS: Well, I still -- I have an
10 objection to the form of the question.

11 MR. CROSS: It also goes to 1a, but go
12 ahead.

13 THE WITNESS: Can you repeat the question?

14 BY MR. CROSS:

15 Q. Sure.

16 Are -- are you aware that, at least
17 according to the public reports, during that call
18 between former President Trump and Secretary
19 Raffensperger, Mr. Trump asked the Secretary to
20 find, I think was his word, a specific number of
21 votes for Trump in that election?

22 A. Yes, I -- I believe I remember reading
23 that in the paper and hearing that on the news, yes,
24 sir.

25 Q. And picking up on what you just said, do

1 you have any personal knowledge from your work at
2 the Secretary's office about that conversation, or
3 is everything you know only what you read in public
4 news?

5 A. I, of course, was not on that phone call,
6 and I am aware of that phone call through the news,
7 through reporting, for -- reading articles online,
8 watching the news. I have not had any conversations
9 with anybody within the office who -- who were
10 reported to have been on that phone call or engaged
11 in that phone call and asked them any questions
12 about what was it like to be on that phone call. So
13 I -- I do not -- all I can speak to is what I've
14 heard in the news.

15 Q. Okay. Were you aware of any efforts by
16 anyone in the Secretary's office or at the
17 Secretary's office's direction or any county in
18 Georgia to try to find or generate votes for Trump
19 in that election?

20 A. No, sir, I am not.

21 Q. And is that also true for votes for Biden?

22 A. Yes, sir, that -- that is -- I am not
23 aware of any -- any -- any message, any directive,
24 anything from the Secretary of State's office out to
25 counties for them to do anything in relation to what

1 was reported in that phone call.

2 Q. Okay. Thank you.

3 All right. Let's look at 1b, please.

4 We talked about this briefly before, but I
5 want to make sure I understand. This is "Any
6 efforts made to 'air-gap' any Components of
7 Georgia's Current Election System, and the success
8 or failure of any such efforts."

9 The first question I have is the -- what
10 you refer to as the air-gapped Election Management
11 server and the network that are part of the -- that
12 include certain computers, is that physically housed
13 at CES?

14 A. It is.

15 Q. So your group is responsible for securing
16 that network; is that right?

17 A. No. Secretary of State -- SOS IT is --
18 oversees all of the infrastructure that's used by
19 our office. So we use the system that has been
20 provided to us by SOS IT.

21 Q. Got it. Okay.

22 But you rely on the Secretary of State's
23 IT department to secure that system; is that right?

24 A. That is correct.

25 Q. And does that include physical security as

1 well?

2 A. The -- the server that -- that our
3 private-access computers are connected to is
4 physically located within the Center for Election
5 Systems inside a secured room that is under 24-hour
6 video surveillance. So it's -- it's in a secured
7 server room in a rack isolated from other devices.

8 Q. And what are all the devices that are
9 included in that room with the Dominion EMS server?

10 A. SOS IT could -- could tell you more about
11 what's all in that room. I don't even have direct
12 access into that room.

13 But it -- you know, it's -- it's -- it
14 houses all of the connecting points for CES into the
15 SOS public system, as well as it -- it's a room that
16 houses the -- the -- the private network as well.
17 We have cabling in the center that's specifically
18 designed for the public systems and cabling that's
19 specifically designed for the private systems.

20 Q. And when you say that it houses all the
21 connecting points for CES into the Secretary of
22 State public system and the private system, are you
23 talking -- this is inside I think what you said is a
24 locked room; is that right?

25 A. Yes. It's inside our server room, yes.

1 Q. Okay. And have you personally been inside
2 that room?

3 A. Oh, I have, yes.

4 Q. But you said you don't have access to it,
5 someone has to give you access?

6 A. That is correct.

7 Q. Who has access to that room?

8 A. Our IT support person on-site has access
9 to that room. So if something is wrong inside the
10 server room, we have to get the IT support service
11 personnel to go and swipe his card key in order to
12 gain access to the room.

13 Q. Who is that?

14 A. John Francis is the current member of the
15 IT staff that's housed at CES.

16 Q. And so do I understand correctly you rely
17 on Merritt Beaver's department, the Secretary's IT
18 department, to ensure that there are no connections
19 between the public server system in that room and
20 what you call the private system?

21 A. Yes, sir.

22 Q. And there was at least a period of time
23 when there was also a GEMS server that was set up in
24 that room after the Dominion system rolled out;
25 right?

1 A. Yes, sir.

2 Q. Do you know whether there were any
3 connections between those two servers or systems?

4 A. I am not aware of any connections between
5 the Dominion system server and the GEMS server.

6 Q. Fair to say you rely on Mr. Beaver's
7 department to ensure that that was the case?

8 A. Yes, sir.

9 Q. Is there any remote access to the
10 private -- what you call the private server or
11 private network in that room?

12 A. No, sir.

13 Q. Let's just be clear we're talking about
14 the same thing.

15 There are -- I think you said before --
16 let me back up.

17 You said before that employees in CES, at
18 least some of them have two computers, one that's
19 their public-facing computer provided by the
20 Secretary's office and then there's a computer that
21 is on the private network; right?

22 A. Yes, sir.

23 Q. And the computers that are on the private
24 network, are those hard-wired into that server?

25 A. Yes, sir, they are.

1 Q. And, again, you rely on Mr. Beaver's
2 department for that; is that right?

3 A. Yes, sir.

4 Q. Do those computers have any Internet
5 capability?

6 A. They are directly connected in to the
7 private network. They are not plugged into any type
8 of outward-facing network line.

9 Q. Do they have Wi-Fi or Bluetooth
10 capability?

11 A. I do not know.

12 Q. All right. Is that a question you would
13 ask Mr. Beaver or his department?

14 A. I -- I would have to ask Mr. Beaver, his
15 department, if those boxes are enabled -- have the
16 ability to be enabled Wi-Fi or Bluetooth connection.
17 I am unaware.

18 Q. Does the server itself that sits on the
19 private network, does it have any Internet
20 connections?

21 A. To my knowledge, it does not. But, again,
22 that is a question that would need to be asked of
23 the IT support team.

24 Q. Does it have any Wi-Fi or Bluetooth or
25 other remote capability, to your knowledge?

1 A. To my knowledge, I do not believe so.

2 But, again, you would need to follow up with that
3 question to the IT support team.

4 Q. Since the private network was set up, has
5 anyone from Dominion had access to it, such as for
6 support, tech support?

7 A. No, sir.

8 Q. Did Dominion set the private network up or
9 did the Secretary's office do that?

10 A. I believe the Secretary of State's office
11 worked with personnel from Dominion in setting up
12 the system; that Dominion was on -- on-site working
13 with SOS IT staff to make sure that SOS IT staff set
14 up the -- configured the system properly, that the
15 applications were installed in the right locations.

16 Q. We talked before the counties have their
17 own Dominion EMS server; right?

18 A. Yes, sir.

19 Q. Are they individually responsible for
20 maintaining the security of those servers?

21 A. Yes, sir.

22 Q. Do you know whether county-level EMS
23 servers in the Dominion system have Internet
24 connections or capability?

25 A. Is there a network port on the back of the

1 computer? There is, but those computers are not
2 plugged into any type of outside network.

3 Q. And that, you rely on the counties to
4 maintain that; right?

5 A. Yes, sir.

6 Q. Has the State ever done a security
7 assessment where it has gone in and inspected a
8 random sampling of counties' Election Management
9 servers for security purposes?

10 A. What we have done, again, is any time that
11 we are present in a county elections office, we
12 always put our eyes on the Election Management
13 computer to verify when we are there in person that
14 the system is not public-facing in any way, shape,
15 or form.

16 Q. When you say "we are there," who do you
17 mean?

18 A. A member of CES. If we have reason to
19 visit a county elections office, whether we've been
20 asked by the elections office to come and test their
21 equipment, do an acceptance test on their server, or
22 if they've recently moved, changed location, we go
23 on-site, look at the equipment, and, again, always
24 verify that it is not connected. Any time that we
25 visit an elections office, we always look for that.

1 Q. But that's only if you happen to be there
2 for another purpose.

3 You -- you haven't done the sort of
4 security assessment that I've described; right?

5 A. That's correct.

6 Q. Does -- does CES have direct access to
7 county-level EMS servers or do you have to get that
8 access from someone at the county?

9 A. Oh, we have to get that access from the
10 county. We don't just walk into a county elections
11 office and go to their Election Management computer.
12 We always go to the election supervisor and then
13 have them walk us to that location.

14 Counties are supposed to have logs for us
15 to sign to validate that we are there, that we're
16 there for a reason. We show our IDs. We don't have
17 unfettered access into the system. We -- we -- we
18 access the system how anyone else should, and that's
19 through the election supervisor.

20 Q. Does the State have written guidance or
21 requirements for how the counties maintain their
22 Election Management servers from a security --

23 A. There are -- excuse me.

24 There are SEB rules in place that govern
25 access to the Election Management System, and those

1 are the rules that county election officials are
2 supposed to be following.

3 Q. Are counties required to log the time and
4 individual or purpose for anyone who has access to
5 their EMS server?

6 A. I believe there is an SEB rule in place
7 that outlines that counties should be maintaining an
8 activity log.

9 Q. Does the State receive those logs or the
10 counties maintain those?

11 A. I believe those are just maintained and
12 held at the county. I do not believe that there's
13 any current practice in place for those logs to be
14 shared with the State periodically or with us.

15 Q. Does the Secretary maintain a similar log
16 for its own EMS server, its own private network?

17 A. In our facility, there is a -- there is a
18 checklist going in and out of the server room.
19 Thankfully, I don't have to go in there very often,
20 so I do not know how accurate that log is at this
21 moment in time. But I do know that it exists.

22 Q. Who is responsible for maintaining that
23 log now?

24 A. That is an IT operation.

25 Q. And it's in hard copy?

1 A. Yes, sir. I remember seeing it on the
2 door day before yesterday.

3 Q. So it hangs on the door, and anyone who
4 goes in is supposed to sign that they went in and
5 the time?

6 A. Yes, sir. And, again, it's under video
7 record, so it's -- it's -- it's documenting who's
8 been in and out of that room.

9 And we retain -- I believe the copy is
10 retained videoally [sic] -- on video, we can run it
11 back three days.

12 Q. All right. Take a look at Topic 1e.

13 A. Okay.

14 Q. Are you aware of any failure of any
15 component of Georgia's Dominion election system to
16 correctly tabulate, tally, record, store, or
17 maintain any ballot cast in any 2020 election in
18 Georgia?

19 A. I am not.

20 Q. Is that the same answer for any 2021
21 election in Georgia?

22 A. That is correct. I am not aware of any
23 circumstance of that nature.

24 Q. Are you aware of any efforts taken by the
25 State, by the Secretary's office, to determine

1 whether anything like this occurred in the 2020 or
2 2021 elections?

3 A. Again, the one thing I would point back to
4 is the exercise that took place postelection in
5 November '20, where Pro V&V was brought in and did
6 an inspection of equipment, random selection of BMDs
7 and ICPs, to validate that the applications running
8 on those devices were what was certified for use in
9 the state.

10 Q. Is there anything else you had identified?

11 A. There is not.

12 Q. All right. We covered 1f.

13 Take a look at 2c, if you would, please.

14 MS. LaROSS: I think 2c --

15 MR. CROSS: Oh, yeah.

16 MS. LaROSS: -- we've designated

17 Mr. Sterling.

18 MR. CROSS: Right. Right.

19 MS. LaROSS: Sorry about that. Let me
20 turn that off.

21 BY MR. CROSS:

22 Q. All right. Take a look at 2d.

23 So this is "Documentation - including
24 research, reports, assessments, findings, studies,
25 publications, memoranda, and communications -

1 regarding the security, integrity, reliability, or
2 accuracy of any component of Georgia's Current
3 Election System."

4 Are you aware of any such documentation
5 apart from the Pro V&V report and anything coming
6 out of logic and accuracy testing that you
7 identified?

8 A. No, sir, I am not aware of any other
9 things.

10 Q. Okay. All right. Take a look at Topic 7,
11 please.

12 So at a high level, it's "Policies and
13 practices for scanning and tabulating paper ballots
14 under Georgia's Current Election System," and then
15 there are three subtopics.

16 Do you see that?

17 A. Yes, sir, I do.

18 Q. Do I understand correctly that with the
19 current Dominion system, what the system actually
20 tabulates for voting purposes when a -- when a BMD
21 printed ballot goes through the scanner is the QR
22 code?

23 A. That is correct.

24 Q. Do you know why the decision was made
25 to -- to adopt that tabulation process, rather than

1 to simply tabulate the human-readable portion of the
2 ballot?

3 MS. LaROSS: Object to the form of the
4 question.

5 THE WITNESS: I do not know why Dominion
6 chose to write their application in that
7 manner. No, sir, I do not know.

8 BY MR. CROSS:

9 Q. Well, I'm asking you a different question.
10 Are you aware that the current BMD system
11 that you have in the State of Georgia can actually
12 tabulate the human-readable portion of the ballot
13 rather than the QR code?

14 A. I am not aware of that. My understanding
15 of the Dominion system is that it scans the QR code,
16 and inside the QR code is a -- a set of coordinate
17 positions that relate to the candidate selected and
18 the contest to which that candidate is selected
19 within the ballot that is displayed in the
20 human-readable text below.

21 Q. You're aware that the same Dominion system
22 also scans and tabulates hand-marked paper ballots
23 on an absentee basis at least; right?

24 A. The hand-marked -- the hand-marked optical
25 scan paper ballots, which are on a different format

1 than the BMD ballot, is based upon a grid system.

2 The tack marks -- the timing marks that
3 you see around the optical scan ballot establish a
4 grid, and then the ovals that are present on the --
5 on the optical scan ballot fall within particular
6 grid points within that grid.

7 And when you fill in the oval, that grid
8 area becomes darkened, and that becomes the point
9 that the scanner is interpreting for marking and
10 recording the result indicated from the voter.

11 Q. Right.

12 And is it -- are you not aware that the
13 current Dominion system, the equipment you have, can
14 do a similar thing with the hand -- with the
15 human-readable portion of BMD-generated ballots?

16 MS. LaROSS: Objection as to form.

17 THE WITNESS: I believe that Dominion may
18 be building new applications that allow their
19 BMD ballots to generate a ballot from the
20 printer that looks similar, if not identical
21 to, a preprinted optical scan ballot.

22 BY MR. CROSS:

23 Q. Did you have any involvement in the
24 decision-making by the Secretary's office to choose
25 the Dominion system in 2019?

1 A. I was not part of the evaluation
2 committee.

3 Q. Do you have any understanding or insight
4 into why the Secretary's office chose a QR code
5 system, rather than a non-QR code system, given that
6 there were non-QR code systems in the RFP process?

7 A. I was not a member of the evaluation
8 committee, so I did not have a say in what was --
9 what systems were valued higher or lower. So I
10 cannot speak to why that decision was made.

11 Q. But as the head of CES, you never -- never
12 had a conversation with anyone as to why they chose
13 a QR system?

14 A. In the evaluation process in 2019, I was a
15 subject matter expert; I was not a member of the
16 evaluation committee. I know that the evaluation
17 committee reviewed various systems. Some created a
18 bar code; some created a 2D bar code that was read
19 for scanning; others read and tabulated the optical
20 scan ballot.

21 But the evaluation committee used the
22 protocols of the Georgia Department of
23 Administrative Services for procurement, and to my
24 knowledge, they followed that protocol and a
25 decision was made in the evaluation process.

1 Q. So you never talked to anyone in the
2 Secretary's office about why the decision was made
3 to choose a QR code system; is that right?

4 A. Again, I point to the evaluation committee
5 made a determination upon the products that were
6 presented for evaluation. They rated those
7 products. There was also a cost proposal that was
8 involved, and all of those things were weighted and
9 a decision was made on what vendor was selected.

10 Q. Mr. Barnes, yes or no: Have you ever had
11 a conversation with anyone in the Secretary's office
12 about why a QR code system was selected in 2019?

13 MS. LaROSS: Object to the form of the
14 question.

15 THE WITNESS: The only conversation I can
16 say is I was a member of the Secretary of
17 State's office when a decision was made to go
18 with Dominion voting. Why they chose a QR
19 system over a non-QR system, I don't know the
20 answer to that question.

21 I just know that an evaluation committee
22 followed protocol, reviewed RFPs, reviewed bids
23 under the protocols of the State of Georgia for
24 procurement purposes, and this vendor was
25 selected.

1 BY MR. CROSS:

2 Q. If you wanted to know who -- strike that.

3 If you wanted to know why the Secretary
4 chose a QR code system, who would you ask?

5 A. I would imagine you would have to ask the
6 Department of Administrative Services, because
7 they're the ones that put out the bid and they're
8 the ones that worked with the vendor in finalizing
9 the bid, along with members of the Secretary of
10 State. Perhaps Gabe Sterling would also be asked
11 that question.

12 Q. Well, wasn't it Secretary Raffensperger's
13 decision as to what system was selected?

14 A. Again, I was not part of the evaluation
15 committee. I was not privy to any of those
16 discussions when they were taking place and the
17 negotiations between the vendors. I don't know
18 what -- what was said or when it was said or how it
19 was said or by whom it was said.

20 Q. You still haven't answered my question.

21 Have you personally had a conversation
22 with anyone in the Secretary's office about why a QR
23 code system was selected in 2019? Yes or no?

24 MS. LaROSS: I object to the form of the
25 question.

1 THE WITNESS: Again, in my role with the
2 Secretary of State's office, it is our job to
3 interact with the voting system. An evaluation
4 committee was used to --

5 BY MR. CROSS:

6 Q. Mr. --

7 A. -- evaluate proposals.

8 Q. -- Barnes, you've got to answer my --

9 A. A voting system --

10 Q. -- question.

11 A. -- was selected.

12 That group determined that the system with
13 a QR code was what was needed and what the State of
14 Georgia should procure, and that's what the State of
15 Georgia did.

16 I have not asked a general question,
17 "Well, why did we pick a QR system?" I have not
18 asked that question.

19 Q. Okay. So just so we're clear, you have
20 never asked anyone in the Secretary's office why a
21 QR system was selected in 2019; is that right? Is
22 that your testimony?

23 MS. LaROSS: Object to the form of the
24 question.

25 THE WITNESS: Yes.

1 BY MR. CROSS:

2 Q. Okay. Thank you.

3 And you understand that voters cannot read
4 a QR code when they -- if they inspect their ballot
5 before it's scanned in an election; right?

6 A. Yes, sir.

7 Q. And are you aware that the current
8 Dominion system can be hacked or compromised in a
9 way that would change the QR code from what's
10 actually reflected in the human-readable portion of
11 the ballot?

12 MS. LaROSS: Object to the form of the
13 question.

14 THE WITNESS: I am not.

15 BY MR. CROSS:

16 Q. You've never heard that before?

17 A. I have heard people say that I'm sure that
18 it could be, but I have not -- I have not seen it.
19 I have not seen it executed, so I -- I -- I
20 haven't -- I'm -- I'm not aware if it can be done.

21 Q. So nobody told you that in September of
22 2020, Dr. Alex Halderman did a demonstration for the
23 Court with Dominion's voting equipment provided by
24 Fulton County where he printed ballots that had a
25 different QR code than what was indicated in the

1 human-readable portion and what -- and from what had
2 actually been selected on the BMD? No one ever told
3 you that?

4 MS. LaROSS: Objection as to form of the
5 question.

6 THE WITNESS: No, sir, they have not.

7 BY MR. CROSS:

8 Q. As the head of CES, wouldn't you expect
9 somebody to tell you that?

10 MS. LaROSS: Objection to the form of the
11 question.

12 THE WITNESS: Yes. I am a member of the
13 Secretary of State's office and I am the
14 director for CES, but that doesn't mean I hear
15 everything that's said within the Secretary of
16 State's office.

17 BY MR. CROSS:

18 Q. Well, wouldn't you expect that if -- if an
19 expert had done an in-court demonstration where they
20 had hacked your voting system, that someone in the
21 Secretary's office would have alerted you to that,
22 as the head of CES?

23 MS. LaROSS: Objection as to form of the
24 question.

25 THE WITNESS: I can just say that no one

1 has brought that to me.

2 BY MR. CROSS:

3 Q. Are you aware that Dr. Halderman prepared
4 a report that was submitted to the Secretary's
5 office -- or to their counsel, I should say, on
6 July 1 of 2021, where he did a further inspection of
7 the Fulton County voting equipment?

8 MS. LaROSS: Objection to the form of the
9 question.

10 THE WITNESS: The only thing I'm aware of
11 is a report that was referenced in a news
12 article of a couple of weeks ago. But that is
13 all the knowledge I have of that.

14 BY MR. CROSS:

15 Q. So before that news article, you had not
16 heard anything about this report from Dr. Halderman
17 regarding the Fulton County voting equipment?

18 A. No, sir, I had not.

19 Q. So no one in the Secretary's office ever
20 told you that a -- an expert had prepared a nearly
21 100-page report detailing numerous security
22 vulnerabilities in the voting equipment that you're
23 responsible for as the head of CES?

24 MS. LaROSS: Objection to form of the
25 question.

1 THE WITNESS: No, sir, they had not.

2 BY MR. CROSS:

3 Q. Do you have any insight into why the
4 decision was made at the Secretary's office not to
5 share anything about the fact that Dr. Halderman had
6 found these vulnerabilities with you, with David
7 Hamilton, with James Oliver, with Merritt Beaver?
8 Do you know why that is?

9 MS. LaROSS: Objection to the form of the
10 question.

11 THE WITNESS: No, sir, I do not.

12 BY MR. CROSS:

13 Q. Does that strike you as odd?

14 MS. LaROSS: I object to the form of the
15 question.

16 THE WITNESS: I'm sure that members of the
17 Secretary of State's office are doing the
18 things that they feel are necessary need to be
19 done.

20 BY MR. CROSS:

21 Q. Who would you ask if you wanted to know
22 why the decision was made not to share any
23 information, including that Dr. Halderman had found
24 vulnerabilities, with you and others in the office?
25 Who would you ask?

1 A. My question would probably be asked of
2 general counsel.

3 Q. Mr. Germany?

4 A. Yes, sir.

5 Q. Would you expect the Secretary's office to
6 take measures to mitigate vulnerabilities that were
7 identified in the current voting system?

8 MS. LaROSS: Object to the form of the
9 question.

10 THE WITNESS: It's my expectation that the
11 Secretary of State's office would do what it
12 needs to do to make sure that the voting system
13 is functioning properly.

14 BY MR. CROSS:

15 Q. Properly and securely; right?

16 A. Yes, sir.

17 Q. And including taking measures to mitigate
18 any vulnerabilities that were identified with that
19 system; right?

20 MS. LaROSS: Objection to the form of the
21 question.

22 THE WITNESS: Again, I can't speak to what
23 may or may not be in the item that you're
24 discussing, so I -- I -- I don't know what the
25 State would need to do to address them.

1 BY MR. CROSS:

2 Q. Fair enough.

3 You don't know the specifics, but you
4 would expect the State to take some measures to
5 mitigate vulnerabilities, whatever those measures
6 might be; right?

7 MS. LaROSS: Objection to form of the
8 question.

9 THE WITNESS: I have confidence that the
10 State would continue doing its job as the --
11 you know, we are the elections division for the
12 State. We're part of the elections division,
13 and I would -- I would have a belief that the
14 Secretary of State's office would continue
15 doing its due diligence.

16 BY MR. CROSS:

17 Q. Well, given none of the senior leadership
18 in the Secretary's IT department and you, as the
19 leader of CES, were informed about anything that
20 Dr. Halderman had found, including even that he had
21 found vulnerabilities at all, who is it you believe
22 in the Secretary's office is actually dealing with
23 those vulnerabilities, if anyone?

24 MS. LaROSS: Objection to form of the
25 question.

1 THE WITNESS: I do not know.

2 BY MR. CROSS:

3 Q. Who would you ask if you wanted to know?

4 A. Again, the people -- the person that I ask
5 the most questions of in our office is our general
6 counsel.

7 Q. Mr. Germany?

8 A. Yes, sir.

9 Q. As you sit here, though, you're not aware
10 of any specific measures -- there are no measures
11 you can point me to that have been adopted since
12 July 1 of 2021 to address the vulnerabilities of
13 Dr. Halderman's report; right?

14 MS. LaROSS: Object to the form of the
15 question.

16 THE WITNESS: That is correct.

17 BY MR. CROSS:

18 Q. And you can't point me to any measures
19 that have been adopted since September 2020 taken by
20 the Secretary's office to address the hack that he
21 demonstrated in that hearing; right?

22 MS. LaROSS: Object to the form of the
23 question.

24 THE WITNESS: I cannot.

25

1 BY MR. CROSS:

2 Q. Have you participated in any discussions
3 with anyone in the Secretary's office regarding
4 Dr. Halderman generally or his work?

5 A. No, sir, I -- I can't recall any direct
6 conversations with anybody in the Secretary of
7 State's office in relation to Dr. Halderman.

8 Q. Are you familiar with the name Dr. Juan
9 Gilbert.

10 A. I believe he is associated with the
11 University of Florida, or -- or was at some point in
12 time.

13 Q. And have you worked with him at all or had
14 any communications with him about his work in this
15 case? Just yes or no.

16 A. No.

17 Q. Are you aware that he has -- he was
18 retained and offered testimony on behalf of the
19 Secretary's office as an election security expert in
20 this case?

21 A. I am not aware.

22 Q. Were you aware that Dr. Gilbert testified
23 in his deposition that if he wanted to have a
24 cybersecurity assessment done of voting equipment
25 like that used in Georgia, he would turn to two

1 experts, Dr. Alex Halderman and Dr. Andrew Appel?

2 MS. LaROSS: Object to the form of the
3 question.

4 THE WITNESS: I am not aware of what
5 Dr. Gilbert may have said in his deposition.

6 BY MR. CROSS:

7 Q. Are you aware that Dr. Gilbert had access
8 to Dr. Halderman's full July 2021 report on the
9 Fulton County voting equipment?

10 A. No, sir, I am --

11 MS. LaROSS: Object to the form of the
12 question.

13 THE WITNESS: No, sir, I am not aware.

14 BY MR. CROSS:

15 Q. Were you aware that Dr. Gilbert testified
16 under oath that he did not disagree with any of the
17 technical vulnerabilities identified in that report?

18 MS. LaROSS: Object to the form of the
19 question.

20 THE WITNESS: No, sir, I'm not aware.

21 BY MR. CROSS:

22 Q. All right. Take a look at Topic 9,
23 please, if you would.

24 A. Sure.

25 Q. Looking at Topic a, are you aware of any

1 suspected or actual unauthorized access to software
2 or data on any component of the -- of Georgia's
3 Dominion system?

4 A. No, sir, I'm not.

5 Q. Are you aware of any suspected or actual
6 unauthorized copying or alteration of software or
7 data on any component of Georgia's Dominion system?

8 A. No, sir, I'm not.

9 Q. Did you undertake any investigation or any
10 research in preparation for today to determine
11 whether that happened?

12 A. No, sir, I have not.

13 Q. Looking at Topic 9c -- I'm sorry, just
14 actually before we leave 9a, if you were to do some
15 research or some sort of investigation on 9a, who
16 would you ask? Who would you expect to know the
17 answer to that?

18 A. I really don't know where I would start
19 with that.

20 Q. Would the current elections director be a
21 good start?

22 A. I have discussions with him on a weekly
23 basis, if not more than weekly, about our voting
24 system. But any time that we feel like we would
25 need to start looking into something, he would be

1 something that I -- he would be whom I would talk
2 to, he and general counsel.

3 Q. All right. Looking at 9c, we -- we've
4 talked about some of this equipment already, but
5 just to close the loop, do any of the printers used
6 in the Dominion system have Internet capabilities,
7 whether by Wi-Fi, Bluetooth, or other means?

8 A. All of the printers in the voting system,
9 when they were bought off the shelf, I believe they
10 did have a -- a Wi-Fi or network capability, but
11 have since been placed into a secured setting
12 parameter that prohibits that connection from being
13 made.

14 In addition, we place security seals over
15 the network port area on the back of the printers so
16 that a network connection can't be made without
17 detection.

18 Q. And the -- and the printers are HP
19 printers; is that right?

20 A. That is correct.

21 Q. When you say "bought off the shelf," what
22 do you mean?

23 A. Well, a lot of the equipment in the voting
24 system is COTS, commercial off-the-shelf, equipment,
25 and the printers are one of those items.

1 Q. And just so everybody is clear, when you
2 say commercial -- or COTS, commercial off-the-shelf,
3 what does that mean?

4 A. That's terminology for equipment that can
5 be obtained. It's a -- it's -- it's an -- I don't
6 know, you know, who came up with the terminology; it
7 is just common terminology in relation to when
8 you're procuring electronic equipment, is it
9 equipment that is built specifically for an action
10 or is it equipment that's commercially available.

11 Q. Got it. Okay.

12 So let's see if I have it. So, for
13 example, the Dominion BMDs you would not say are
14 off-the-shelf because those are built specifically
15 by Dominion; is that right?

16 A. It's not a tablet that is, I believe,
17 obtainable through other means. I think Dominion
18 does work with a vendor to have that tablet built
19 for that purpose.

20 Q. Right.

21 But the printer is commercial
22 off-the-shelf because it's generally commercially
23 available; is that the idea?

24 A. Yes, sir.

25 Q. Okay. All right. Thanks.

1 Take a look at Topic 10, please.

2 Are you aware of any instance in 2020 when
3 a person or entity other than an authorized election
4 worker or Georgia State or county election official
5 obtained voting data from a Georgia election or
6 images of voting equipment used in a Georgia
7 election?

8 A. I am not.

9 Q. Okay. Is that the same answer for 2021?

10 A. Yes, it is.

11 Q. And did you undertake any investigation or
12 research or study to determine whether this happened
13 before your deposition today?

14 A. I did not.

15 Q. Who would you ask if you wanted to know
16 whether this had occurred?

17 A. In regards to investigations, we would --
18 I would be asking general counsel or the head of the
19 Secretary of State's investigative unit.

20 Q. Who is that today?

21 A. I -- honestly, I do not know who the head
22 of the investigative unit is today.

23 Q. And it used to be Frances Watson?

24 A. It did.

25 Q. All right. Take a look at Topic 11, too,

1 please.

2 A. Uh-huh.

3 Q. Are you aware of any changes to any of the
4 software or firmware used on any component of the --
5 Georgia's Dominion system since September 1, 2020?

6 A. The only change that I am aware of since
7 September 1, 2021 [sic], is we did have to update
8 the -- the application version on the BMDs. It is
9 the ICX application.

10 When the BMDs were initially rolled out in
11 Georgia in late 2019, early 2020, the version was
12 ICX 5.5.10.30, and that application had to be
13 upgraded to 5.5.10.32 because of how the ballot
14 needed to be displayed to show all candidates for
15 the special election for United States Senate in
16 November of 2020. The previous version of the
17 application was unable to show all 21 candidates
18 that were qualified for that election on one screen,
19 but the upgrade to 5.5.10.32 allowed that race to
20 be -- and all of its candidates to be displayed on
21 one single screen so that the voter did not have to
22 scroll up or down in order to see all candidates.

23 Q. And that software change was made in the
24 September/October time frame of 2020; right?

25 A. It was.

1 Q. Did you have any involvement in that
2 personally?

3 A. My involvement in that process was the
4 vendor brought forth a solution once the Secretary
5 of State's office said that, you know, "We -- we've
6 got to work to improve how this ballot is -- how the
7 ballot image is being displayed." The vendor then
8 brought forth this new application.

9 That application was then submitted to
10 Pro V&V for two purposes. It was submitted to
11 Pro V&V in Huntsville, Alabama, for federal
12 certification and also for state certification.

13 When Pro V&V finished their analysis of
14 the application, they submitted a letter to EAC, and
15 I believe the letter iterated that they felt like
16 this -- that the application, the new application,
17 should be approved as a de nimus [sic] change -- I
18 think I'm saying that right -- to the software's EAC
19 certification.

20 Q. Did you have any involvement in the
21 decision that that software change was de minimus or
22 did you defer or rely on Pro V&V or others for that?

23 A. We relied on Pro V&V for that.

24 Q. Were you aware that the Secretary of
25 State's office made a recommendation to Pro V&V that

1 they viewed it as a de minimis change?

2 A. I don't recall such, but I'm not
3 100 percent sure at this moment.

4 Q. If you wanted to know whether that
5 decision was made and who made it, who would you
6 ask?

7 A. I would probably have to go back through
8 my emails, because I would have been the individual
9 communicating with Pro V&V, but also with Dominion's
10 certification group as well.

11 And I -- I don't -- again, I don't recall
12 the Secretary of State making statement that it was
13 a de nimis [sic] -- that it was -- that that was
14 being a claim made from Dominion, because they were
15 attempting to become federally certified with that
16 application, and also it was being made from Pro V&V
17 as the testing agency.

18 Q. Okay. But that's not a decision you would
19 have made; right?

20 A. Correct.

21 Q. All right. Take a look at Topic 18,
22 please.

23 MS. LaROSS: Okay. This is a topic that
24 we've not designated him.

25 MR. CROSS: Oh, is that right? Sorry.

1 MS. LaROSS: Yeah, that's okay. I think
2 we did --

3 MR. CROSS: Yeah. Yeah, I have the list.
4 Yeah, sorry. I forgot about that.

5 MS. LaROSS: Yes. Okay.

6 BY MR. CROSS:

7 Q. All right. Let me pull up another exhibit
8 here, Mr. Barnes.

9 (Plaintiffs' Exhibit 3 was marked for
10 identification.)

11 MS. LaROSS: And then once he tells us
12 it's up, then you just hit the "Refresh"
13 button.

14 MR. CROSS: Oh, you know what, I had
15 actually already put it in. Sorry. Pull up
16 Exhibit 2.

17 BY MR. CROSS:

18 Q. So Exhibit 2 is a copy of your LinkedIn
19 profile we found online.

20 You see that?

21 A. It does look like that.

22 Q. In the -- is the "Education" information
23 here accurate?

24 A. Yes, sir, that is accurate.

25 Q. Okay. And the "Experience," it's got

1 "Center for Elections - Kennesaw State University,
2 Director, June 2005 - present."

3 Do you see that?

4 A. Yes, sir.

5 Q. The Kenne- -- the Kennesaw State
6 University part doesn't apply since about 2018;
7 right?

8 A. It does not apply as of January 1, 2018,
9 yes, sir.

10 Q. Okay. So you got your master's in 2002
11 and your current role you've had since June 2005.

12 What did you do in that three-year gap?

13 A. Let's see. In 2002, I was the assistant
14 director for elections for the Secretary of State's
15 office, and served in that capacity until June of
16 2005.

17 Q. So -- okay. So right out of your master's
18 program, you joined the Center for Elections in
19 Georgia; is that right?

20 A. No. I -- I completed my master's in 2002,
21 and then I remained with -- and I was actually
22 working with the Secretary of State's office. I
23 started with the Secretary of State's office in 1998
24 and then began my master's program while I was
25 employed with the Secretary of State's office.

1 In 2001, I transitioned to be the
2 assistant director of elections for the State of
3 Georgia and the Secretary of State's office while I
4 was in graduate school. I completed graduate school
5 in 2002, and then I remained with the Secretary of
6 State's office in the -- in the role as assistant
7 director of elections until June of 2005.

8 Q. What did you do at the Secretary of
9 State's office between 1998 and 2001?

10 A. From 1998 through 2001, I was a special
11 assistant to two Secretaries of State. I started
12 under Secretary of State Lewis Massey in August of
13 1998, served as a special assistant, and then I
14 served as a special assistant under Secretary of
15 State Cathy Cox from January 1999 until sometime in
16 2001.

17 Q. And were you employed between 1996, when
18 you got your bachelor's degree, and 1998, when you
19 started at the Secretary's office?

20 A. In 1997, I was employed by the Lewis
21 Massey campaign for governor that he -- when he ran
22 for governor in 1997 and early 1998.

23 Q. Do you have any other professional work
24 experience that we've not covered?

25 A. No, sir, I have not.

1 Q. When CES was still at KSU, were you an
2 employee of KSU or you were an employee of the
3 Secretary's office?

4 A. I was an employee of Kennesaw State
5 University.

6 Q. So when did you first become an employee
7 of KSU?

8 A. In June of 2005.

9 Q. So when you were an assistant director,
10 you were employed by the Secretary's office in CES?

11 A. When I was the -- when I went to work
12 in -- at Kennesaw State University, I was no longer
13 a member of the Secretary of State's office. I was
14 hired by Kennesaw State University and became a
15 full-time employee of Kennesaw State University as
16 the assistant director for the Center for Election
17 Systems in June of 2005.

18 Q. Okay. But maybe I missed something. I
19 thought you started working for CES before 2005.

20 Is that -- am I wrong?

21 A. No, I did not start working for CES as a
22 member of Kennesaw State University until June of
23 2005. In my role as the assistant director of
24 elections in 2002, 2003, 2004, and in early 2005, I
25 worked with the Center for Election Systems, but

1 through my capacity with the Secretary of State's
2 office. I was not at the Center for Election
3 Systems. I was still downtown at the Secretary of
4 State's office, but I would spend some days at the
5 Center for Elections. I was sort of the liaison
6 between the Secretary of State's office and the
7 Center for Election Systems.

8 Q. Okay. Got it.

9 MR. CROSS: Sorry. I was going to pull up
10 another exhibit, but Exhibit Share just
11 crashed. Give me a second.

12 All right. Here we go.

13 (Plaintiffs' Exhibit 4 was marked for
14 identification.)

15 BY MR. CROSS:

16 Q. All right. Grab Exhibit 4, if you would,
17 please.

18 A. I'm refreshing right now and it hasn't
19 refreshed.

20 Q. Okay. Yeah, give it -- it should pop up.

21 A. You said Exhibit 4?

22 Q. Yes.

23 A. Okay.

24 Q. All right. So do you see Exhibit 4 is an
25 email that you sent to Scott Tucker on January 15,

1 2020; right?

2 A. Yes, sir.

3 Q. If you come down, the earliest email in
4 the thread is one that Dedrick Smith at Dominion
5 sent to Scott Tucker on the same date.

6 Do you see that?

7 A. Yes, sir.

8 Q. And he asks "I was wondering if" -- he
9 asks "I was wondering if you could ask the state if
10 there is a special usb they are supposed to be
11 sending out to the counties to submit their L&A
12 exports and the exports for election day. They have
13 a usb that they normally send the export files on,
14 but they are old."

15 Do you see that?

16 A. Yes, sir.

17 Q. And then you -- sorry -- Mr. Tucker
18 forwards this on to you and asks "...is the state
19 providing new USB drives for the counties to send
20 their L&A exports and E-Day exports to you...or
21 should they use the USB drive they had from the
22 previous system?"

23 Do you see that?

24 A. Yes, sir.

25 Q. And then you write back "They can use the

1 USB that the state has previously provided."

2 Do you see that?

3 A. Yes, sir.

4 Q. And so in January of 2020, when the
5 Dominion system was still being rolled out, do I
6 understand correctly that on at least this occasion,
7 your direction was for the counties to continue to
8 use the USB drives they had from the old system?

9 A. This was where I was referencing earlier
10 this morning in relation to a election that popped
11 up on us in early January of 2020 to fill a vacancy
12 in a State house seat.

13 And I believe this, again, was for Decatur
14 County and their house -- the house district at the
15 time, where they were going to have to have an
16 election for a State race. And part of that process
17 requires the County to transfer -- export files into
18 the Secretary of State's ElectionNet reporting
19 system. So to facilitate that election, that was
20 the circumstances for this discussion.

21 (Plaintiffs' Exhibit 5 was marked for
22 identification.)

23 BY MR. CROSS:

24 Q. All right. Grab Exhibit 5, please.

25 A. Refreshing.

1 Okay. Exhibit 5?

2 Q. Yes. Let me know -- do you have that in
3 front of you?

4 A. I do.

5 Q. Okay. Do you see -- Exhibit 5 at the top
6 is an email from Chris Harvey to Scott Tucker on
7 January 27, 2020; right? Do you see that?

8 A. Yes, sir.

9 Q. And if you come down, you'll see the email
10 in the middle of the page is one that you were
11 copied on, also between Mr. Tucker and Mr. Harvey
12 and also on January 27, 2020; right?

13 A. I am looking. So I'm at the bottom of the
14 first page?

15 Q. Well, you're -- if you look at -- you can
16 look at either. The middle or the bottom, you'll
17 see you're on the email thread between Mr. Harvey
18 and Mr. Tucker.

19 Do you see yourself cc'd?

20 A. I do.

21 Q. And if you come down to the earliest
22 email, there's an email from Nancy Gay, the
23 executive director for the Columbia County Board of
24 Elections.

25 Do you see that?

1 A. I do.

2 Q. And if you look at the last paragraph of
3 her email to Mr. Harvey, she asks "Can I have the
4 ICC (computer/scanner) setup in our main office and
5 then transport election tallies out to the warehouse
6 on election night once complete?"

7 Do you see that?

8 A. I do.

9 Q. And then Mr. Harvey forwards this on to
10 Mr. Tucker and copies you, and he indicates that he
11 talked to Nancy about this.

12 Do you see that in the first sentence?

13 A. I do.

14 Q. And then he writes "Does the central
15 scanner have to be hooked up to EMS when scanning?"

16 Do you see that?

17 A. Yes, sir.

18 Q. Mr. Tucker responds "Yes, that is possible
19 to set the ICC up that way. You would need to copy
20 the data to an external drive and then upload into
21 RTR," which is the "Results Tally and Reporting."

22 Do you see that?

23 A. I do.

24 Q. Are the central scanners hooked directly
25 to the EMS servers at the counties?

1 A. It is dependent upon the county's setup.
2 Most counties, the majority of counties -- small
3 counties that we have in Georgia, everything is
4 contained within the elections office, where the
5 Election Management computer is in one -- one corner
6 of the office, perhaps, or one side of the desk, and
7 on the other side of the desk is the -- what we
8 classify as the ICC workstation, which is a computer
9 that is then connected to the central scanner. And
10 that ICC workstation, that computer, is directly
11 connected through a network connection with the
12 Election Management computer.

13 And when ballots are scanned, ballots are
14 scanned on the ICC -- through the ICC scanner, image
15 is saved to the ICC workstation as -- along with
16 tabulated results that the scanner has tabulated,
17 and then those files are transmitted through the
18 network connection directly into the Election
19 Management computer.

20 (Plaintiffs' Exhibit 6 was marked for
21 identification.)

22 BY MR. CROSS:

23 Q. All right. Grab Exhibit 6, please.

24 A. Okay.

25 Q. All right. So if you look at Exhibit 6,

1 do you see there's an email from Marjorie Howard to
2 you on February 26, 2020?

3 A. Yes, sir.

4 Q. Do you know who Marjorie Howard is?

5 A. She was the election supervisor for Talbot
6 County.

7 Q. And she -- the subject line of her email
8 indicates an [REDACTED]
9 [REDACTED] right?

10 A. That's what the subject line says, yes,
11 sir.

12 Q. And "[REDACTED]" is shorthand for logic and
13 accuracy testing; right?

14 A. Yes, sir.

15 Q. And if you read her email, she writes "[REDACTED]
16 [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 Do you see that?

24 A. I do.

25 Q. Then she goes on [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Do you see that?

5 A. I do.

6 Q. Do you remember this situation?

7 A. I do not.

8 Q. When she says that there was -- [REDACTED]

9 [REDACTED], do you know what
10 she's referring to?

11 A. I would be speculating with an answer to
12 that question right now. I just -- I don't recall
13 this situation. Clearly, I was involved with it, I
14 see my name in the email exchange, but I don't --
15 I'm trying to piece it back from memory of what we
16 were discussing at the time.

17 Q. When she's talking about "[REDACTED]"
18 there, do you know what -- what she means? What's
19 the -- what coding is there in this context with
20 the -- the ballots?

21 A. What my -- what I am thinking that she is
22 referencing here is relating back to the data set
23 that has to be loaded onto a polling pad in order
24 for it to function properly.

25 So a data file has to be built prior to

1 logic and accuracy testing that allows the Poll Pad
2 to create voter access cards for given polling
3 locations so that it can create the voter access
4 card, then be placed inside a BMD device to validate
5 that the proper ballot is displayed, and then the
6 county goes through the process of testing the BMD
7 to make sure that it's responsive to the actions of
8 the voter.

9 So in reference to this email, I'm trying
10 to figure out are we talking about a logic and
11 accuracy data set that had not been properly
12 configured where it had everything that it needed in
13 it or not, or if this was a scenario where she had a
14 logic and accuracy data set on a polling pad when it
15 was supposed to have an election day data set on the
16 polling pad.

17 So I'm -- I'm -- I'm uncertain of -- of
18 the circumstances surrounding on this right now.

19 Q. What's the difference between a logic and
20 accuracy data set and a election day data set for
21 the polling pad?

22 A. The main difference is the presence of
23 voter information, is that the -- the polling plaid
24 [sic] -- the polling pad data set for logic and
25 accuracy does not contain voters. It contains a

1 list of precinct and district combos per precinct
2 that are related to activation codes that are placed
3 onto a voter access card that a BMD device didn't
4 recognize as -- so it displays the proper ballot.

5 Q. And getting back to the email, do I
6 understand right that in the database files that go
7 to the counties for elections, there's executable
8 code that's used, at least in part, to generate the
9 cards that they need on election day?

10 A. Ask that question again.

11 Q. Yeah.

12 Do I understand correctly that in the
13 database files that go to counties for elections,
14 that those files include some executable code that's
15 used to create the cards that are used on election
16 days, like the voter cards, the poll worker cards?

17 A. Are we talking about the ExpressPoll data
18 set or are we talking about the election project
19 data set? Which -- which -- which database are you
20 referring?

21 Q. The database that -- the election project
22 that goes to the -- the BMDs.

23 A. The election project file has a list
24 contained within the election project file -- has a
25 list of activation codes. And what these are are

1 a -- a numeric code that is used to activate a
2 ballot display on the BMD.

3 And in every election database, there is a
4 precinct, and then inside the precinct there is a --
5 what's called a precinct portion, and that is, like,
6 their district combo number. And that precinct
7 portion is related to a specific set of political
8 districts, and by relation to those political
9 districts, it is connected to any contests that are
10 in those political districts. And that's what
11 relates it to the physical ballot that's needed.

12 So every precinct portion in the database
13 has a specific ballot activation code that when you
14 enter that ballot activation code on the BMD, it
15 displays that ballot. When the ballot is voted,
16 then the BMD ballot that's printed out contains that
17 precinct portion designation so that when the ballot
18 is scanned, the results from that ballot are applied
19 back to that particular precinct portion within the
20 project file.

21 Q. Okay. And -- and I was asking something
22 different.

23 Are you familiar with the term "executable
24 code"?

25 A. Yes, I'm -- I'm familiar with executable

1 code, but I was just answering the question that you
2 asked in the best way that I could.

3 Q. Right. And I just wanted to make sure we
4 weren't missing each other.

5 So you were talking about activation
6 codes, but do you understand executable code is
7 different? I'm asking about something different
8 than activation codes.

9 A. Yes, yes.

10 Q. So the question I'm trying to understand
11 is in the database files, the election project files
12 that go to the counties, that get uploaded to the
13 county EMS and the BMDs, do you know whether they
14 include executable code?

15 A. I do not believe they include any
16 executable code. The executable code is already
17 installed on the Election Management computers that
18 are at the county office; that -- the only thing
19 that is distributed to the county from the Secretary
20 of State's office is an election project file.

21 And then that file is loaded into the
22 Election Management computer by using an executable
23 application, and that application resides on the
24 computer at the elections -- at the election office.

25 Q. If you wanted to know for sure whether the

1 election project files include any executable code,
2 would that be a question for someone in IT?

3 A. That would be a question for someone in
4 Dominion, I believe.

5 Q. Got it.

6 All right. Grab Exhibit 7, if you would,
7 please.

8 (Plaintiffs' Exhibit 7 was marked for
9 identification.)

10 THE WITNESS: All right. Exhibit 7.

11 BY MR. CROSS:

12 Q. So Exhibit 7, do you see -- this is an
13 email that you sent to Samantha Sheldon on
14 February 26, 2020; right?

15 A. It is.

16 Q. And you were responding -- well, actually,
17 strike that.

18 You were forwarding to her an email from
19 Susan Gray at Jefferson County.

20 Do you see that?

21 A. Yes.

22 Q. And Ms. Gray indicates to you on
23 February 26, 2020, "[REDACTED]

24 [REDACTED]

25 [REDACTED] [REDACTED]

1 [REDACTED]

2 [REDACTED]."

3 Do you see that?

4 A. I do.

5 Q. Do you remember this situation?

6 A. Not directly. I mean, clearly I was
7 involved with it because it has my email address to
8 it, but I don't remember this specific conversation,
9 no, sir.

10 Q. Is it unusual for an election worker to
11 take off BMWs' -- BMD serial number seals?

12 A. It is not unusual for an elections
13 officer, election official, to remove seals from the
14 BMDs. It is unusual for them to remove a seal that
15 would be on the left-hand side of the BMD.

16 The left-hand -- the seals that are placed
17 on the BMD -- and there are two -- were placed by
18 CES, by the Secretary of State's office, during the
19 initial acceptance testing of the devices, and there
20 are two seals. There's a -- there's a taped seal
21 that is over an access panel that is -- that is
22 resistant evident, and then there's also a wire seal
23 that you would have to physically break in order to
24 remove.

25 Now, the -- the doors on the right-hand

1 side of the BMD are seals that poll workers are
2 removing from election to election. They're used to
3 close the compartment preelection; they're used to
4 open and -- open -- be removed in order to power the
5 machine on, and then seal's replaced, attached, and
6 then they stay in place on election day and then
7 they're removed at the end of election day to power
8 the machine off and then new seals placed on for --
9 for delivery back to the Elections office.

10 But the seals on the left-hand side of the
11 unit, those have been placed there by the Secretary
12 of State's office.

13 Q. Okay. What -- what's the difference
14 physically between the seals on the left-hand side
15 and the ones on the right-hand side?

16 A. The difference between -- when you say
17 "difference physically," what do you mean?

18 Q. Are they -- is it a different design? Do
19 they look differently? Do they function
20 differently? How are they physically different?

21 A. They are a different design. They are a
22 wire seal. The ones -- a wire seal that sort of has
23 a twist of the wire to secure the wire.

24 And then the second seal that's placed on
25 is a -- is a -- again, is a tamper-evident tape seal

1 that has a State of Georgia seal on it. It has --
2 it has -- it says that it's a -- and it's -- it is
3 an acceptance testing sticker and then it has a
4 numeric code value on it.

5 And it's sort of twofold, is that if by
6 some chance the wire seal that the State has
7 attached to that door became damaged or
8 inadvertently removed, then we also have that
9 secondary seal there that if someone then attempted
10 to open that compartment, we would see that through
11 the tamper-resistant tape being removed and it
12 would -- it would actually leave tape on the side of
13 the device.

14 So we have two -- two areas to see to what
15 level of extent someone may have been interfering
16 with that side compartment if they had been working
17 with that sealed area.

18 Q. Are the wire seals on the left side?

19 A. The wire seal is on the top left side,
20 along with the tamper-evident tape.

21 And then on the right side, counties may
22 choose to use a wire seal or they may use a plastic
23 seal.

24 Q. The seals on the left side, you said
25 they're -- are they on -- is it a wire, you said,

1 that's twisted together? Is it twisted together by
2 hand? What do you mean?

3 A. The seal itself, you feed the wire through
4 and then there is sort of a twist mechanism in the
5 seal itself that you twist to lock the wire into the
6 seal.

7 Q. And how is that seal removed? What's the
8 process?

9 A. It has -- it has to be cut to be removed.

10 Q. So looking back at Exhibit 7, the BMD --
11 the BMD -- I just can't say that today. Let me try
12 this again.

13 Looking back at Exhibit 7, [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 A. [REDACTED]
19 [REDACTED]

20 Q. [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 A. [REDACTED] [REDACTED]
24 [REDACTED]
25 [REDACTED]

1 [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED]

5 Q. The seals on the left side, these wire
6 seals, does each one have a unique serial number?

7 A. They do.

8 Q. And does your office maintain an inventory
9 of every seal that it puts on a machine?

10 A. When we were in the phase of doing the
11 acceptance testing of the equipment in 2019 and
12 early '20, when we would assign seals to the
13 devices, we would make record of the seals that were
14 attached. So those were put into the inventory
15 system at the time of acceptance testing.

16 Q. And you're talking acceptance testing when
17 the equipment first came in for Dominion to be
18 rolled out as the new election system?

19 A. Yes, sir.

20 Q. Would the standard county have any reason
21 to remove those seals since that acceptance testing
22 in the ordinary course?

23 A. The only reason that there would be need
24 to remove that seal on the left-hand side was if
25 they needed to plug in a -- a headset that's used in

1 order to access the audio ballot for visually
2 impaired voters. Where you would plug in that
3 device is in -- is behind that door in the top
4 left-hand side.

5 Q. Is that sometimes referred to as an ATI?

6 A. It is.

7 Q. And so if they're using a BMD for a voter
8 that needs an ATI, they would have to cut that seal
9 to get access to the panel; is that right?

10 A. Well, what we did in the distribution of
11 equipment at the time is we actually went ahead and
12 preconnected ATI devices to some BMD units so that
13 they were already connected, and then the door was
14 then -- even then sealed with those two seals that
15 I've spoken of.

16 But if that ATI device has now become
17 unoperative [sic] and it had to be replaced, then
18 the county would need to gain access to that slot in
19 order to unplug and plug in a new one.

20 Q. So the BMD can be sealed with both of
21 those two seals on the left side and still have an
22 ATI connected to it; right?

23 A. That is correct.

24 Q. So here, when Ms. Gray indicated that [REDACTED]

25 [REDACTED]

1 and she said, [REDACTED], you
2 wrote back to her "[REDACTED]" -- I'm
3 sorry, you forwarded this on to Samantha Sheldon and
4 wrote "[REDACTED]
5 [REDACTED]"?

6 Do you see that?

7 A. I do.

8 Q. And do you recall, did you have any
9 response to Ms. Barn- -- or, sorry, to Ms. Gray
10 about this?

11 A. I don't have direct recollection of
12 conversation with her. What I hope I've told her
13 was that, A, "Okay, what has happened? Tell me
14 what's happened." And I probably asked her the
15 question of, "Okay, what is the status of the tape
16 that is also in place? Has -- is there any evidence
17 of that tape being removed or cut or anything of
18 that nature?"

19 And the fact that [REDACTED]
20 [REDACTED] -- where a wire seal
21 would be placed leads me to indicate that there was
22 no evidence that the tamper-resistant tape had been
23 removed or been cut or anything of that nature.
24 Because if that had been the case, then we would
25 have sent someone directly to the county and would

1 have done a new acceptance test on these devices and
2 then attached new -- new tamper-resistant tape seals
3 and additional wire seals.

4 Q. She doesn't indicate [REDACTED]
5 [REDACTED]; right?

6 A. Based on this one, that is correct.

7 Q. And you don't have a memory of actually
8 speaking with her, do you?

9 A. I -- I don't have direct memory of having
10 a conversation with her on this fact.

11 Q. So do I understand correctly that when she
12 indicates [REDACTED]
13 [REDACTED]
14 [REDACTED]?

15 A. Yes, sir.

16 Q. Where -- so do counties have access
17 themselves to the -- to the wire seals that the
18 Secretary's office puts on the left side of the
19 machines?

20 A. They have access to wire seals. They
21 don't have direct access to these wire seals that we
22 placed on the devices ourselves.

23 So we can tell the difference between the
24 wire seal that SOS office placed on a device versus
25 a wire seal that a local county may have placed

1 there.

2 Q. And then why did you ask Ms. Sheldon [REDACTED]

3 [REDACTED]

4 [REDACTED]?

5 A. Well, we wanted to make sure and have a
6 record in the system that the seal number had been
7 changed, that it had been changed from a previous
8 seal number that was attached.

9 Q. And what is EasyVote?

10 A. EasyVote is an application that the
11 Secretary of State uses for maintaining the list of
12 equipment inventory.

13 Q. Is that hosted by a third party, like a
14 vendor?

15 A. I believe it is, yes, but I'm not
16 100 percent certain.

17 Q. Do you know what the company is called?

18 A. The company is called EasyVote.

19 Q. Ah, okay.

20 What -- what is -- can you just give me an
21 overview of what the information is that sits in
22 EasyVote?

23 A. It is an outline of what equipment has
24 been -- it's what equipment is in the state of
25 Georgia and where it is, where it is currently.

1 So it gives you a list of BMD serial
2 numbers, seals that were attached at the time of
3 acceptance testing. It also indicates when it was
4 last acceptance tested.

5 Counties also have access into this
6 inventory system, and some counties use it to
7 document local logic and accuracy testing that's
8 been performed on the equipment prior to various
9 elections.

10 Q. Any time seals are broken or changed, is
11 that indicated in the EasyVote database, too?

12 A. It has the ability of maintaining, I
13 believe, a history of seal numbers, but I would have
14 to double check.

15 Q. So, for example, here, [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] ?

21 A. I believe it maintains a record of change
22 of when it was changed and what was changed, but,
23 again, I'd have to double check.

24 Q. Does the EasyVote system interact at all
25 with any other election systems, like eNet, EMS

1 servers, voter registration, ENR, anything like
2 that?

3 A. No, sir, it does not.

4 Q. Does it interact with Poll Pads?

5 A. It does not, not this -- not this
6 application that we use from EasyVote.

7 EasyVote has other applications that they
8 use with counties. EasyVote is used in some
9 counties for preparing absentee ballot applications.

10 When people go in to vote via in-person
11 advance voting, EasyVote -- the county contracts
12 with EasyVote for this application and the county
13 provides EasyVote a list of voters that are
14 registered to vote in that county.

15 And then the county uses EasyVote to
16 basically check voters in -- check voters in during
17 advance voting and to prepopulate their absentee
18 ballot application for the voter to then sign and
19 then provide back to the county before being gained
20 access to the voting equipment.

21 Q. And what's the equipment that they use?
22 The counties that use EasyVote, what is -- what's
23 the equipment they use for that process? Is it a
24 computer or a tablet or...

25 A. That's -- that's county-owned computer

1 that they access EasyVote on. I don't know what
2 devices they use, whether they use a -- a desktop
3 computer or a laptop to access. I do not know.

4 Q. The counties that don't do that process by
5 EasyVote, how do they do that process?

6 A. When they are interacting with -- when
7 they are managing voters during advance voting, then
8 if they're not using EasyVote, then they're using
9 the Secretary of State's eNet system to manage
10 voters, to check voters in, to -- to mark them as
11 participating in advance voting.

12 And then second and apart from that, even
13 if they were using EasyVote, they would use a Poll
14 Pad to create the voter access card that would be
15 given to the voter.

16 Q. Okay. Before we leave Exhibit 7, are you
17 aware of any investigation or assessment that was
18 done to make sure that [REDACTED]
19 [REDACTED]?

20 A. I -- I -- I do not remember or recall.

21 Q. Okay. All right. Grab Exhibit 8, if you
22 would, please.

23 (Plaintiffs' Exhibit 8 WAS marked for
24 identification.)

25 THE WITNESS: Okay.

1 BY MR. CROSS:

2 Q. All right. So do you see here similar
3 email to the one we just saw, but different county.

4 Here, the first email in the thread is an
5 email that you received from Denise Maddox in Grady
6 County on February 27, 2020; right?

7 A. Yes, sir.

8 Q. And the subject is "[REDACTED]"; right?

9 A. Yes, sir.

10 Q. And Ms. Maddox writes "[REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]."

15 Do you see that?

16 A. Yes, sir.

17 Q. So this is a situation we talked about a
18 moment ago where [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]?

22 A. Yes, sir, that's what this appears to be.

23 Q. Okay. And then you write -- you forward
24 this again to Ms. Sheldon -- "[REDACTED]

25 [REDACTED]."

1 Do you see that?

2 A. I do.

3 Q. And do you make it a practice or does
4 CEA -- CES make it a practice to hold on to
5 notifications from counties whenever seals are
6 broken or removed or tampered with?

7 A. We make it a practice to basically hold on
8 to anything we receive from a county. We try to
9 hold on to emails. We try to hold on to, you know,
10 any type of notification from a county in pertation
11 [sic] to their equipment and to -- in relation to
12 seals themselves.

13 Q. Where are those communications typically
14 maintained at CES?

15 A. They're maintained electronically on the
16 computers of the workers at our office.

17 Q. Is there like a -- a network or a server
18 folder or someplace? Where do you -- where do you
19 tend to keep those, store those so that you have
20 them?

21 A. We tend to keep them within our email
22 environment, basically leave the email intact, leave
23 the attachment to the email, and leave the emails in
24 place.

25 Q. Okay. So when you wrote to Michelle,

1 then, "[REDACTED],"
2 do you mean the two of you just keep it in your
3 inbox, it doesn't go into a particular folder
4 somewhere or a file?

5 A. Right. We're just keep -- we're just
6 keeping this record, keeping it in the inbox.

7 Q. Okay. And do you know whether there was
8 any examination done [REDACTED]
9 [REDACTED]?

10 A. Again, I do not recall.

11 Q. If you had called for a BMD to be examined
12 because you were concerned that there may have been
13 some sort of tampering or you just wanted to confirm
14 that there wasn't, that's the kind of thing you
15 would probably recall asking for; right?

16 A. I -- yes, sir, I would hope. Because I
17 have sent members of my staff to counties in some of
18 these circumstances where the seal was broken and
19 there looked to be something not right with the tape
20 that was also in place. So out of abundance of
21 caution, I would send them to the site, tell the
22 county to set that unit aside, and we would test it
23 when we would be there on-site. So I -- I have
24 sent -- I have sent people in the field in the past
25 and will continue to do so.

1 Q. Tell me about those instances.

2 A. Instances, again, similar to these, where
3 the -- the seal had been broken, but no one could
4 explain why it had been broken, why -- why did it
5 come back in that nature, why was it in that nature,
6 and there looked to be some damage to that second
7 seal that we would have to damage in order to open
8 that side compartment. When we have those
9 instances, we go and we do an acceptance test of
10 that device to make sure that nothing has happened.

11 Q. About how often has that happened in the
12 last, say, couple of years?

13 A. I would say less than ten times.

14 Q. And do you remember the counties that were
15 involved?

16 A. I do not.

17 Q. Who do you send out to do the -- to
18 inspect the equipment in those instances?

19 A. In those instances, the person that I send
20 is Chris Bellew. He is my equipment specialist
21 at -- at CES.

22 Q. How do you spell his last name?

23 A. B-e-l-l-e-w.

24 Q. And does he have IT training?

25 A. He -- he has been with our center since

1 2018. He has his master's degree from Georgia Tech.
2 I can't -- I don't remember exactly what his
3 specialty is.

4 He is a graduate -- undergraduate of
5 Kennesaw State University, and he actually worked at
6 the Center for Election Systems as a student
7 assistant in 2010 and 2011, I believe.

8 Q. Okay. But he's not -- he doesn't -- he's
9 not an IT guy, right, like in Merritt Beaver's
10 department; right?

11 A. Right, he is not. He is not. He is -- he
12 is what we deem as our election equipment
13 specialist. He knows a lot about the applications
14 that we use on the -- within the voting system.

15 Q. And when you send him out in the instances
16 you talked about, what does he do? What do you
17 expect him to do to validate the equipment?

18 A. Oh, I expect him to run -- to basically
19 inspect the -- the area to see if he sees anything
20 that's out of -- out of sorts.

21 And then he's going to do an acceptance
22 test of the -- of the equipment, whether it's a BMD,
23 whether it's an ICP, whether it's the ICC, the
24 election server, whatever it may be, and validate
25 that the system is operating as it should and that

1 it only contains the applications that it should.

2 Q. Does he do logic and accuracy testing?

3 A. He does not do logic and accuracy testing.

4 That is a count- -- that is a county test.

5 Q. And I assume --

6 A. The acceptance -- the acceptance test has
7 portions of the logic and accuracy test within it.

8 Q. The acceptance testing that -- that you
9 do -- that you did when the machines came in, you
10 mean?

11 A. Right. The acceptance testing isn't --
12 isn't just logic and accuracy testing; it's checking
13 application install and such of that nature. But it
14 also incorporates portions of a logic and accuracy
15 test similar to what a county would perform when
16 preparing for an election.

17 Q. But are you saying when Mr. Bellew goes
18 out in these instances where there's a concern about
19 access to the BMD or whatever the voting equipment
20 might be, you -- he's doing acceptance testing all
21 over again on that equipment?

22 A. Yeah, he performs an acceptance -- any
23 time we have a question about a piece of voting
24 equipment, we perform a new acceptance test on that
25 piece of equipment.

1 Q. Okay. And you're saying logic and
2 accuracy is part of that?

3 A. Part of the acceptance test, part of the
4 acceptance protocol, is a -- is a logic and accuracy
5 process where we will load an election file onto the
6 BMD, we will generate a number of ballots from the
7 BMD, and then we will scan those ballots into an ICP
8 to validate that the BMD not only produces a ballot
9 as it should, but that that ballot, when paired with
10 a scanner, is processed properly.

11 Q. When Mr. Bellew goes out on these
12 occasions, does he do the hash value test that you
13 talked about before?

14 A. He does.

15 Q. So he's able to do the hash value test
16 without the help of Pro V&V or IT?

17 A. He is.

18 Q. Is there any other testing that he does on
19 the equipment on those occasions?

20 A. There is not.

21 Q. In any of the instances where he's been
22 out, have you taken any of the equipment out of use?

23 A. I do not recall any equipment being taken
24 out of use on the trips that he has executed out
25 into the field.

1 I know that we have had repaired equipment
2 come back from Dominion to our facility, and then we
3 go through testing and they may not have completely
4 finished repairing the unit, they were supposed to
5 finish -- fix a cracked screen and they didn't fix a
6 cracked screen and we would have to send it back for
7 repair.

8 But has he ran into a situation that
9 required him to take possession or return or have
10 the county -- return the equipment to the county? I
11 cannot think of one.

12 Q. Are there seals on the USB ports on the
13 equipment, the printers, the scanners, and the --
14 the BMDs?

15 A. There are seals attached on the left-hand
16 side, again, that were attached by the State. There
17 are seals placed on the two -- two openable doors on
18 the right-hand side of the BMD. Those seals are
19 attached locally by the county at the end of logic
20 and accuracy testing.

21 And also, after opening the polls on
22 election day, they have to reseal the unit, and then
23 at the end of election day, they have to break a
24 seal to power the machine off, and then they put a
25 seal back on it for transport to the elections

1 office.

2 So seals on the right-hand side that cover
3 any available ports, they're placed there and
4 maintained by the county.

5 Q. Okay. I was asking a more precise
6 question.

7 Do you know whether any of the seals that
8 are placed by the State or the counties on any of
9 the voting equipment covers all of the BMD ports?

10 A. All of the doors that give you access to
11 the ports are closed and sealed.

12 Q. And are those State seals or county seals
13 that cover those doors, or is it --

14 A. On -- on the left-hand side, it is a State
15 seal. On the right-hand side, it is county seals.

16 Q. So where there are USB ports on the
17 right-hand side, those would be county seals?

18 A. That is correct.

19 Q. We talked -- we talked a lot about the
20 State seals, the wire seal.

21 What does the county seal look like?

22 A. It, too, could be a wire seal, but it's a
23 wire seal that goes through like a little red brick
24 that is then pressed and locked by pressing in.

25 The other seals that counties use is more

1 like a wraparound plastic seal that, basically, it
2 feeds through and the teeth grab it. And then you
3 can't pull the seal back out, it has to be cut and
4 removed.

5 Some counties use like a -- like a -- it's
6 almost like a loop seal. It's a little plastic loop
7 seal. They use those primarily, I think, on their
8 optical scan units. But it could -- there's a
9 litany of various seals that counties opt to choose
10 to use.

11 Q. Where do they get their seals?

12 A. They're -- they get seals from the
13 Secretary of State's office. The Secretary of
14 State's office maintains a set of different type
15 seals, and then they can request those seals as part
16 of their election supplies.

17 Q. Does the State have any security
18 requirements on how seals are to be maintained when
19 they're not on the equipment, meaning seals they
20 have to replace for purposes at the county level?

21 A. I -- I -- I do not know.

22 Q. All right. Grab one more exhibit and then
23 we can take a break. This should be short.

24 Grab Exhibit 9, if you would, please.

25 (Plaintiffs' Exhibit 9 was marked for

1 identification.)

2 THE WITNESS: Okay.

3 BY MR. CROSS:

4 Q. So if you look at Exhibit 9, it's a
5 two-page document. If you come to the bottom of the
6 first page, do you see there's an email from
7 Jennifer Phipps?

8 A. I do.

9 Q. And that is sent to
10 ElectionCenter@sos.ga.gov on May 11, 2020.

11 Do you see that?

12 A. I do.

13 Q. And then if you come up, there's an email
14 forwarded on from that Election Center address to
15 Cathi Smothers at Dominion copying you.

16 A. Uh-huh.

17 Q. Yes? Do you see that?

18 A. I do.

19 Q. And that looks to be sent -- if you look
20 at the signature block, the email from Election
21 Center looks like it was actually sent by Chris
22 Bellew, who you were just talking about; right?

23 A. Correct.

24 Q. And then if you come up to the top,
25 there's another email from Election Center. This is

1 sent to Election Center on May 12, 2020.

2 Do you see that?

3 A. I do.

4 Q. And the signature there is "Michael," so
5 it looks like this indicates you sent that email;
6 right?

7 A. Yes.

8 Q. What is the ElectionCenter@sos.ga.gov
9 email account?

10 A. It's an email account that we use for
11 communication purposes that a county, instead of
12 having to email me directly or email Chris Bellew or
13 any other member of our team, they can email -- send
14 an email to CES@sos.ga.gov, and that goes into a
15 separate inbox that we monitor to make sure that we
16 are hearing what we need to hear from the county.

17 Q. Do you know what measures, if any, were
18 taken to preserve potentially relevant
19 communications in that Election Center email box for
20 the litigation?

21 A. My understanding is IT is holding on to
22 any and all -- any and all election -- any and all
23 emails regarding elections in -- under the
24 litigation hold purposes.

25 So anything that's in CES or anybody at

1 CES, all of their emails are being held until
2 litigation is over.

3 Q. And -- and is that something that CES
4 relies on the IT department to manage?

5 A. Yes.

6 Q. Do you know whether the Election Center
7 email account we were just talking about, whether
8 that was searched for production in this case?

9 A. I do not know.

10 Q. Did you have any involvement in collecting
11 or identifying potentially relevant documents for
12 discovery in the case?

13 A. In regards to email searches, I know all
14 of the email searches that are being done for
15 discovery are being handled through IT because of
16 how they archive all of the emails in our system.

17 So I -- from that perspective, I -- I was
18 not involved in searching through for emails. I
19 have been involved in searching through for
20 documents that I may have possession of on my
21 computer, but in relation to all emails, that has
22 been handled -- or I have been told that is being
23 handled through IT.

24 Q. What have you done personally to locate
25 and collect potentially relevant documents?

1 A. Anytime I'm asked by counsel to look
2 through my computer, go through my records to find
3 anything that I may think is -- applies to a
4 request, I do that.

5 I go through my -- I haven't deleted
6 emails off my computer in a very, very long time, so
7 I have those, and then I also have all of my
8 documents that I create and maintain within my
9 computer.

10 So I would go through searching through
11 those documents to find anything that counsel tells
12 me that I need to be looking for.

13 Q. Is that -- do you recall when you did
14 that?

15 A. I don't recall the last time I did that.
16 We've -- we've been -- we've been going through
17 these -- process of trying to find, you know, things
18 for discovery for a while now, but I can't remember
19 the last time I went through that.

20 Q. Do you know if it was last year or was it
21 years ago?

22 A. I feel like there was a time last year
23 that I had to go through and look through documents,
24 but a lot of the years are starting to run together.

25 Q. Okay. All right. Just to wrap up on this

1 document, looking at Exhibit 9, do you see the --
2 the email that Chris Bellew -- Chris Bellew sends --
3 well, actually, he's just copying and pasting
4 Jennifer Phipps.

5 If you look at her email, she indicates

6 "[REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED]."

9 Do you see that?

10 A. I do.

11 Q. And then you write to your colleagues in

12 CES "[REDACTED]
13 [REDACTED] [REDACTED]
14 [REDACTED]."

15 Do you see that?

16 A. I do.

17 Q. Do you remember this situation and -- and

18 [REDACTED]
19 [REDACTED]?

20 A. I don't remember the exact situation, but
21 I believe the resolution to it -- we determined that
22 the -- the ballot proof that they had been sent did
23 have the party question on No. 7 present and they --
24 and they were given the production file that that
25 printed ballot had been -- had been built from. So

1 it was the actual correct project.

2 But what we found later on was that the
3 BMD ballot had that -- the contest in question had
4 had a setting placed on it to where it was only
5 appearing on the printed ballot and not on the BMD
6 ballot as it should have. And then once that
7 setting was corrected, then the -- the question was
8 showing up on the BMD -- BMD ballot as it should.

9 Q. Okay. How was that corrected?

10 A. It is a setting that was changed at the
11 project level. I -- I don't remember if we had --
12 we took the project, made the correction, and then
13 sent a new, revised project to the jurisdiction, or
14 if we worked with the jurisdiction and -- and gave
15 them direction over the phone on how to update the
16 project so that it would be corrected. It was one
17 of those two methods.

18 Q. And what was Cathi Smothers' role with
19 Dominion at this time?

20 A. She was the one that was building the
21 election projects.

22 MR. CROSS: Okay. Let's take a break.

23 VIDEOGRAPHER: The time is 12:47 p.m.

24 We're off the record.

25 (Off the record.)

1 VIDEOGRAPHER: The time is 1:33 p.m.

2 We're on the record.

3 BY MR. CROSS:

4 Q. Mr. Barnes, before we look at the next
5 exhibit, we talked earlier about EasyVote.

6 A. Yes.

7 Q. Have you -- are you aware of any reports
8 that -- that EasyVote experienced a data breach
9 recently?

10 A. I believe there was a report earlier this
11 week about some voter information that they had on
12 their system being accessed.

13 Q. And what all do you know about the data
14 breach to EasyVote?

15 A. What I know about it was it was a few
16 county -- they had information from a few
17 counties -- how many, I don't know -- and that
18 the -- it did not contain any Social Security
19 values. It did contain name and, I believe, full
20 date of birth. But that's all I'm aware of.

21 Q. Do you know what -- what the circumstances
22 of the data breach were in terms of how -- what the
23 intrusion was or who it was?

24 A. I do not.

25 Q. Do you know if anyone at the Secretary's

1 office has been tasked with investigating this?

2 A. I do not. I know the elections director
3 was notified by EasyVote and the elections director
4 notified the Secretary of State's general counsel
5 and others, but I do not know what other actions the
6 Secretary of State's office has taken at this time.

7 Q. Sorry. The current elections director, is
8 that Blake -- what's his last name?

9 A. Blake Evans.

10 Q. Thank you. Okay.

11 In the data that was compromised, do you
12 know whether it included driver's license numbers?

13 A. I do not know. All I -- all I was told
14 was that it was a -- a subset of counties and that
15 it had -- that the -- the PII information was date
16 of birth.

17 Q. Okay. Do you know what connections there
18 are, if any, between the EasyVote database where
19 this compromise occurred and the EasyVote
20 application that you guys use to track things like
21 BMD seal inventories?

22 A. There -- there is no commun- -- no
23 connection at all, in my understanding. Those are
24 two separate applications, two separate and apart,
25 and they do not reside in the same environment.

1 Q. What's the basis for your belief that the
2 data in those applications doesn't reside in the
3 same environment at EasyVote?

4 A. The -- the application that we use, I --
5 I've never seen it have anything connected to the
6 application that counties use for generating
7 absentee ballot applications.

8 To my knowledge and understanding,
9 EasyVote is the vendor for both of those
10 applications, but those two applications are not ran
11 in the same suite. So that's my understanding.

12 Q. The -- the inventory data that you guys
13 have on the EasyVote, is that hosted locally on
14 servers at the Secretary's office or is that hosted
15 in the cloud at EasyVote?

16 A. I believe it's hosted via EasyVote, but
17 that's -- that may be a better question for IT. We
18 use -- we use the application and nothing more.

19 Q. Got it. Okay.

20 Okay. So you don't -- you -- just to be
21 fair, you don't -- you don't know where the
22 underlying data physically resides, where the
23 servers are that hold that data?

24 A. Correct.

25 Q. Do you know whether the EasyVote

1 applications we've been talking about, whether they
2 operate on the same computers that use the eNet
3 system?

4 A. I don't know. Again, I don't know how the
5 counties use -- or what computers the counties use
6 to interact with their EasyVote application if they
7 choose to use that application. I don't know if
8 that's the same computer that they may also be
9 accessing the State's registration system. I -- I
10 just do not know.

11 Q. What about at the State level?

12 A. The -- we access in to the EasyVote
13 application using -- using our public computer. So
14 when we access the registration system, we are using
15 that public computer.

16 Q. Is there any access to EasyVote from the
17 computers that are used with the State's Election
18 Management server?

19 A. There is not.

20 Q. Is there any access to eNet from those?

21 A. There is not.

22 Q. Okay. Grab the next exhibit, if you
23 would, please, Exhibit 10.

24 (Plaintiffs' Exhibit 10 was marked for
25 identification.)

1 THE WITNESS: Okay.

2 BY MR. CROSS:

3 Q. Do you have that in front of you?

4 A. I do.

5 Q. Okay. So Exhibit 10 is an email that you
6 received on June 1 of 2020, along with some other
7 folks at the Secretary's office.

8 Do you see that?

9 A. Yes, I do.

10 Q. And this is an email, you can see, that
11 you received from Scott Tucker; right?

12 A. Yes.

13 Q. And what was Scott Tucker's role with
14 Dominion at this time with respect to Georgia
15 elections?

16 A. Scott was -- I don't recall what his
17 direct title was, but Scott worked with the -- the
18 rollout of the system. He worked -- communicated
19 with counties.

20 He also helped oversee the county
21 technicians that had been dispersed to the 159
22 counties and sort of was their point of contact, if
23 a county tech ran into issues with the equipment, it
24 got reported back in to -- up to Scott and then
25 Scott would relay that information to the Secretary

1 of State's office.

2 Q. Is it fair to say -- was Scott Tucker sort
3 of the primary contact at Dominion with respect to
4 issues that came up with the Dominion system in
5 Georgia?

6 A. He was -- he was one of the contacts. The
7 project manager was Tom Feehan, who's also cc'd on
8 this email. So Tom Feehan was the -- was the
9 top-level contact within the state of Georgia, and
10 then Scott worked under him.

11 Q. And this is in June -- this is on June 1
12 of 2020.

13 Do you recall there was a -- a primary
14 election in Georgia on June 9, 2020?

15 A. I seem to recall that there was one on
16 June 9, yes, sir.

17 Q. So is this about the time where you would
18 expect counties were doing logic and accuracy
19 testing?

20 A. This is a combination of counties doing
21 logic and accuracy testing at this time and then
22 also counties would have been executing advance
23 voting at this time.

24 Q. And that gets to a question I was going to
25 ask.

1 So if you look at the first line here,
2 there's indication that "Gwinnett replaced an ICP
3 that is showing continual ballot misreads."

4 Do you see that?

5 A. I do.

6 Q. Do you know whether that was in logic and
7 accuracy testing, or was that during the advance
8 voting?

9 A. I do not recall.

10 Q. And then if you come down, do you see
11 where, on the fourth line regarding Clarke County,
12 it writes "Clarke EMS getting message that it cannot
13 open a USB, working on this issue."

14 Do you see that?

15 A. I do.

16 Q. Do you know whether that involved advance
17 voting?

18 A. I do not know. I would imagine that that
19 had to do not with advance voting, but it may have
20 done with either programming a USB in order to then
21 transfer information to a BMD prior to logic and
22 accuracy testing, or it could be where the county is
23 trying to create an L & A export file for uploading
24 to the Secretary of State's Election Night Reporting
25 System for testing purposes.

1 Q. Are there any other purposes that election
2 workers would have to access a USB port on the EMS
3 server?

4 A. Those are the two that I am most familiar
5 with, are those two actions.

6 The third -- a third would be if you were
7 uploading the Election Management project you
8 received from the State, that that would be through
9 a USB drive.

10 Q. Given the election was on June 9 and they
11 were already in advance voting, would you expect
12 that to have happened already?

13 A. No, I would think it would be one of the
14 two things that I mentioned.

15 Q. Okay. Thank you.

16 MR. CROSS: All right. Let me pull up the
17 next exhibit.

18 (Plaintiffs' Exhibit 11 was marked for
19 identification.)

20 MR. CROSS: Yeah, it's already there.

21 BY MR. CROSS:

22 Q. All right. Grab Exhibit 11, if you would,
23 please.

24 A. Okay.

25 Q. And you see that Exhibit 11 -- make sure I

1 got the right one. Yeah.

2 All right. Exhibit 11 is an email from
3 Scott Tucker to you and others at the Secretary's
4 office on June 1, 2020; right?

5 A. Yes, sir.

6 Q. And here, you see the subject line
7 "Advanced Voting June 1st"?

8 A. Yes.

9 Q. And do you recall that advance voting had
10 begun at least as of June 1, 2020, for the primary?

11 A. With the primary being on the 9th, we
12 would be in the back end of it, probably leading
13 into the last week of advance voting, so yes.

14 Q. The first bullet here from Mr. Tucker
15 reads "Clarke county is going to use the ICC
16 attached to the server and not transfer results over
17 USB."

18 Do you see that?

19 A. I do.

20 Q. So is this one of the situations we talked
21 about before where counties will sometimes connect
22 their scanner to the Election Management server
23 rather than moving tabulation results between the
24 two devices on like a USB drive?

25 A. It is.

1 Q. And do you have any insight into -- into
2 how the counties decide whether to do that, meaning
3 put a direct connection to the scanner as opposed to
4 using removable media?

5 A. I think it depends upon how they are
6 planning to go about maintaining the transparency of
7 their tabulation process. Each county elections
8 office is, of course, configured differently and
9 each county elections office determines how they're
10 going to set up the ability for the public to watch
11 the tabulation process. The public's not allowed to
12 interfere with the tabulation process, but they are
13 allowed to watch the tabulation process.

14 So it -- it all gets back to how the
15 county is setting up to maintain the transparency in
16 that process.

17 Q. Who actually puts the ballots through the
18 ICC at the [audio interference] in the ordinary
19 course?

20 A. I'm sorry. Ask -- ask me again.

21 Q. Yeah. Sorry.

22 In the ordinary course of an election,
23 when a county's using an ICC, who feeds the ballots
24 into the ICC?

25 A. Poll workers, absentee ballot clerks that

1 the county has deputized, you know, to process and
2 handle absentee ballots for counting purposes.

3 So it's done under the purview of the
4 election supervisor, but they then assign people to
5 handle the process of using the scanner and feeding
6 ballots through.

7 Q. And are ICCs only used with absentee
8 ballots?

9 A. ICCs are primarily used for mail-in
10 absentee ballots and provisional ballots.

11 ICCs are also used whenever a jurisdiction
12 has to do a recount postelection day. So an ICC is
13 a central scanner. It's a device that has the
14 ability to scan any -- any type of ballot that the
15 voting system produces.

16 Q. Are there ever occasions when voters would
17 put their ballot into an ICC?

18 A. I am not aware of an occasion.

19 Q. All right. Grab Exhibit 12, please.

20 (Plaintiffs' Exhibit 12 was marked for
21 identification.)

22 THE WITNESS: Okay.

23 BY MR. CROSS:

24 Q. All right. Do you see at the top of
25 Exhibit 12, this is an email that Kevin Rayburn sent

1 to you, Veronica Johnson?

2 A. Yes.

3 Q. And you see Mr. Rayburn sent this email on
4 June 2, 2020; right?

5 A. That is correct.

6 Q. And is Veronica Johnson with one of the
7 counties?

8 A. She is the election supervisor in -- in
9 Lee County down in Southwest Georgia.

10 Q. If you look at the middle of the first
11 page, Ms. Johnson sends an email to you,
12 Mr. Rayburn, and Dennis Carbone, all at the
13 Secretary's office, on June 2, 2020; right?

14 A. Yes.

15 Q. And the subject line is "[REDACTED]
16 [REDACTED]."

17 Do you see that?

18 A. I do.

19 Q. And she indicates she has a quick
20 question, and then she writes "[REDACTED]

21 [REDACTED]
22 [REDACTED]."

23 Do you see that?

24 A. I do.

25 Q. Do you recall what the [REDACTED]

1 [REDACTED] at this time?

2 A. I believe what this is in reference to is
3 there is a specific export file format that the
4 State of Georgia uses that creates an export file
5 that is then loaded into ENR.

6 And in this circumstance, that particular
7 format had not been included in Lee County's
8 election project file, so they need- -- they needed
9 to have that particular export format installed on
10 their election project file so that the election
11 project could then create the needed export file in
12 the proper format.

13 Q. Okay. And then Ms. Johnson goes on in her
14 email and indicates [REDACTED]

15 [REDACTED]
16 [REDACTED]."

17 Do you see that?

18 A. I do.

19 Q. Then she writes "[REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED]."

24 Do you see that?

25 A. I do.

1 Q. And then Mr. Rayburn responds "[REDACTED]
2 [REDACTED]
3 [REDACTED]."

4 Do you see that?

5 A. I do.

6 Q. Was the solution proposed by the Dominion
7 tech, was that the solution implemented?

8 A. I believe it was.

9 Q. And is it common to connect Dominion tech
10 laptops, either directly or through removable media,
11 to county EMS servers?

12 A. It is not.

13 Q. Do you know who the Dominion tech was
14 here?

15 A. I do not know.

16 Q. Dominion techs are often temporary
17 short-term employees that are hired just to support
18 an election; right?

19 MS. LaROSS: I object to the form of the
20 question.

21 THE WITNESS: Dominion had techs that they
22 recruited from within the state and from
23 outside the state and brought those people in,
24 trained them, and then distributed them to the
25 counties as part of their contract requirement.

1 BY MR. CROSS:

2 Q. And -- and there are literally hundreds of
3 techs that are deployed across the 159 counties
4 during an election, particularly a major election
5 like November 2020; right?

6 A. Yes, sir.

7 Q. And do I understand correctly that the
8 State and the counties rely on Dominion for
9 background checks and other security measures that
10 are taken with respect to the techs?

11 A. I believe as part of the contractual
12 relationship between the State and Dominion, that
13 Dominion was required to have back- -- background
14 checks performed on all the people that they brought
15 in.

16 Q. So in determining whether any of the
17 hundreds of Dominion techs that are deployed across
18 the state in an election cycle, whether they are
19 reliable and trustworthy, is that something you
20 depend on Dominion to assess?

21 A. That was something that Dominion was
22 tasked on bringing on the techs, training the techs,
23 doing background checks on the techs, and then
24 assigning techs to counties.

25 And then counties, when they interacted

1 with the techs, if they felt any level of discomfort
2 [sic] with the techs, then the county could contact
3 the vendor and have the tech replaced, removed,
4 switched for -- with a different technician.

5 I know we had instances where counties did
6 not like the techs that had been assigned to them,
7 and those techs were removed and changed with --
8 with additional technicians.

9 Q. In those situations, why were the techs
10 removed?

11 A. I can't speak to why they were removed
12 other than the county expressing to Dominion that
13 they just did not -- they did not seem to get along,
14 they did not seem to work well with that assigned
15 tech.

16 Q. As the head of CES, have you ever had a
17 concern about Dominion techs, who, again, are often
18 short-term, temporary hires --

19 A. The --

20 Q. Sorry. Let me finish the question.

21 -- having access to components of the
22 election system in Georgia?

23 A. The Dominion techs that I have encountered
24 as being director of CES have always struck me as
25 people that are people of good standing, that have

1 an ability to navigate a computing system, a
2 computing program, and able to then share and help
3 the county to which they are assigned.

4 Now, I have not met all of the techs that
5 Dominion pulled in, trained, and distributed out to
6 counties. I've only been -- I've only met a handful
7 of those. But those that I have met I have never
8 walked away feeling uncomfortable about.

9 Q. Have you ever had a concern about any
10 election worker or poll worker, any other individual
11 who has authorized access to components of the
12 election system? Have you ever had any discomfort
13 about whether they could be trusted?

14 A. To my recollection, the people that I have
15 interacted with at the county level with this vendor
16 and with the preceding vendor, I cannot think of an
17 instance where I -- I didn't feel like the person
18 that I was working with, communicating with, were
19 lacking trust.

20 Q. Is that true for the -- the county
21 employees as well?

22 A. Again, with the -- the county employees
23 that I have interacted with -- of course, I have not
24 interacted with all poll workers and I have not
25 interacted with every county election employee. I

1 have -- I've encountered a good number of them in my
2 20 years with the Secretary of State's office, with
3 Kennesaw State, in interacting with the counties,
4 and I have not come across people that I feel like
5 were untrustworthy or un- -- unbecoming of someone
6 that should be involved in elections.

7 Q. In your 20 or so years working with
8 elections in Georgia at the Secretary's office, have
9 you ever come across anyone who has had access to
10 any aspect of Georgia's election system that you
11 felt uncomfortable with them having that access?

12 MS. LaROSS: Object to the form of the
13 question.

14 THE WITNESS: No one comes to mind at this
15 point in time.

16 BY MR. CROSS:

17 Q. So one of the key arguments the Secretary
18 has made against the use of hand-marked paper
19 ballots is that they're -- can be manipulated by
20 what he and his experts have called insiders, which
21 they refer to as people who have authorized access
22 to components of the voting system.

23 Have you heard that argument?

24 MS. LaROSS: Object to the form of the
25 question.

1 Go ahead.

2 THE WITNESS: Yes, sir, I have heard that.

3 BY MR. CROSS:

4 Q. What's the basis for that concern, given
5 that you, as -- as the head of CES, in all your
6 years have never come across anyone that you didn't
7 trust who has access to the election system in
8 Georgia?

9 MS. LaROSS: Object to the form of the
10 question.

11 THE WITNESS: Certainly, my -- my
12 interaction with county election officials has
13 always been a positive one. I have a level of
14 trust with all 159 county election
15 superintendents and I have a -- a trust that
16 they are doing their job to the best of their
17 abilities.

18 What -- the opinions that others may have
19 on their trustworthiness, of course, every
20 individual has the ability to make up their own
21 mind about how they feel about people. But how
22 I feel about election supervisors and elections
23 employees at the county level, I feel like they
24 are solid people.

25

1 BY MR. CROSS:

2 Q. Have you ever conveyed that view to the
3 Secretary?

4 A. I have always expressed my confidence in
5 election officials to the Secretary of State when
6 asked.

7 There are always degrees of knowledge
8 within the counties, that some county election
9 supervisors are on their -- on the -- they're still
10 learning the process, so they don't know everything.
11 There are election officials that have been involved
12 with it for many, many years and that are very
13 well-educated in the process. So there are leveling
14 degrees of knowledge from county to county.

15 But I've always found that the county
16 election officials, for lack of a better way of
17 saying it, have their heart in the right place, and
18 they are trying to do the best job that they can
19 with the resources they have.

20 Q. So based on your years of experience
21 working with elections in Georgia, do you have any
22 insight as to why the Secretary believes that
23 hand-marked paper ballots are unreliable because an
24 election insider may manipulate them in some way --

25 MS. LaROSS: Objection --

1 BY MR. CROSS:

2 Q. -- or why he has that concern about
3 election officials and other insiders?

4 MS. LaROSS: Objection to the form of the
5 question.

6 THE WITNESS: I can't speak to why the
7 Secretary may have that thought of concern.

8 BY MR. CROSS:

9 Q. That's not something you've ever discussed
10 with him?

11 A. That is not --

12 MS. LaROSS: Objection to the form of the
13 question.

14 Go ahead.

15 THE WITNESS: That is not a conversation
16 he and I have had.

17 BY MR. CROSS:

18 Q. Have you ever talked with anyone in the
19 Secretary's office about any concerns about the
20 reliability of -- of what they call election
21 insiders?

22 A. I --

23 MS. LaROSS: Objection to the form of the
24 question.

25 Go ahead.

1 THE WITNESS: I have not.

2 (Plaintiffs' Exhibit 13 was marked for
3 identification.)

4 BY MR. CROSS:

5 Q. All right. Grab Exhibit 13, please.

6 A. Okay.

7 Q. All right. Do you see at the top there's
8 an email from Chris Harvey to you and others at the
9 Secretary's office that you received on June 3,
10 2020?

11 A. Yes, sir.

12 Q. At this time, Chris Harvey was still the
13 elections director; right?

14 A. That is correct.

15 Q. If you come down to the bottom of the
16 first page, you'll see the header on the earliest
17 email on the thread from Scott Tucker to you and Tom
18 Feehan on June 30 -- or, sorry, June 3?

19 A. At the bottom of the first page or top of
20 the second page?

21 Q. In mine, it's on the bottom of the first
22 page. You'll see Scott Tucker's email?

23 A. I see an email from Scott Tucker to me,
24 and Tom Feehan is copied.

25 Q. Right.

1 And then that email continues on to the
2 top of the second page with the subject "Fayette
3 county server."

4 Do you see that?

5 A. Yes. Yes.

6 Q. And Mr. Tucker writes to you "Michael, we
7 just got off the phone with the tech in Fayette
8 county and he came in today to find the server was
9 moved and the password is no longer working. No one
10 in the office knows why and don't know that anything
11 was moved. The tech notified the supervisor that we
12 will need to get the server back. We have an
13 accepted Express server here and will swap it out
14 and restore the backup from the county."

15 Do you see that?

16 A. I do.

17 Q. Do you recall this situation?

18 A. I don't recall this particular situation,
19 but I have no doubt in that it -- it transpired just
20 because of this email.

21 Q. Okay. If you -- you respond to this in
22 the middle of the first page on the same day, within
23 three minutes, actually, quite promptly. You wrote
24 back "Thank[s]...for letting us know. When you
25 recover the original server from Fayette County,

1 please tag it and don't do anything else to it."

2 Do you see that?

3 A. I do.

4 Q. And then Mr. Harvey responds later in the
5 afternoon "I spoke with the Election Director. By
6 'moved,'" which he puts in quotes, "they meant that
7 the table may have been bumped or slightly
8 rearranged (in the immediate vicinity of where it
9 was). The county didn't relocate the server, nor
10 did anyone else. Dominion is trying to determine
11 why the server isn't working."

12 Do you see that?

13 A. Yes.

14 Q. And he goes on to say "Obviously, they
15 will need either that one reset or a new one ASAP."

16 Do you see that?

17 A. I do.

18 Q. Do you recall whether a new server was
19 provided to Fayette County at this time?

20 A. I do not recall whether we ended up
21 changing that server out or not. I just -- I do not
22 recall.

23 Q. And do you recall any instance where a
24 county Election Management server has been replaced
25 because of a -- a situation like this where there

1 was some concern about its reliability?

2 MS. LaROSS: Objection as to form.

3 Go ahead.

4 THE WITNESS: Again, as you'll notice with
5 the email that I had sent immediately to Scott
6 was basically outlining that in this
7 circumstance, any time a server became
8 involved, we wanted to, you know, be certain of
9 what was going on to the best of our abilities
10 before moving forward. And that was -- there
11 was reasons why I responded to Scott and also
12 responded to Chris and included others in that
13 email. So we always do what we can to protect
14 the server.

15 We have had to replace servers that became
16 inoperable, that -- we've had power surges in
17 the field where you have a power surge and
18 suddenly the box is unresponsive and we have to
19 replace that server.

20 You know, other things can transpire where
21 hardware on the server itself fails, where the
22 C drive becomes un- -- inaccessible [sic] and
23 we have to replace the server.

24 So we -- we have replaced servers in the
25 past and I'm sure we will replace servers in

1 the future.

2 BY MR. CROSS:

3 Q. But you're not aware of any forensic
4 examination that's ever been done of a county EMS
5 server; right?

6 A. That is correct.

7 Q. And that includes the one here in Fayette
8 County in June of 2020; right?

9 A. Again, I don't recall what the next steps
10 were in this situation.

11 Q. Okay. Let's grab the next exhibit.

12 (Plaintiffs' Exhibit 14 was marked for
13 identification.)

14 BY MR. CROSS:

15 Q. Grab Exhibit 14, please.

16 A. Okay. I'm refreshing.

17 Okay.

18 Q. All right. So Exhibit 14 is an email that
19 you sent to Scott Tucker and Cathi Smothers at
20 Dominion on June 4, 2020; right?

21 A. That is correct.

22 Q. And this is actually a forward of an email
23 you received from Dennis Carbone on the same day;
24 right?

25 A. It is.

1 Q. And Dennis Carbone, you can see here, was
2 an elections liaison for the Secretary of State's
3 office; right?

4 A. He was.

5 Q. Is he still there?

6 A. He is not.

7 Q. When did he leave? Just --

8 A. I think Dennis left sometime in 2020, but
9 I'm not 100 percent certain.

10 Q. Did he -- was it his choice to leave or
11 was he terminated?

12 A. I honestly don't know. I think he left on
13 his own. I don't think he was terminated, but I do
14 not know.

15 Q. Okay. Do you know where he is now?

16 A. I do not.

17 Q. All right. So Mr. Carbone -- oh, sorry.
18 One other question.

19 What's the role of the elections liaisons
20 in the Secretary's office?

21 A. The election liaisons are sort of county
22 contacts for the Secretary of State's office, is
23 that -- the Secretary of State's office has the
24 state divided into regions, and then there are a
25 number of counties in each of these regions and then

1 the Secretary of State's office has an election
2 liaison assigned to that region. So that person
3 becomes the primary point of contact between the
4 county and the Secretary of State's elections
5 division.

6 One of the main tasks that the election
7 liaisons serve is helping those counties in using
8 the voter registration system and making -- making
9 sure people are registered properly, that
10 applications are processed timely, and stuff of that
11 nature.

12 Q. Okay. So if you look at Mr. Carbone's
13 email, he indicates in the first sentence "...I
14 think there is an issue down in Camden County with a
15 candidate not appearing on the BMD's."

16 Do you see that?

17 A. I do.

18 Q. And so this is June 4, 2020, and do you
19 understand this was -- this was arising in advance
20 voting?

21 A. This -- this would be most likely
22 happening during advance voting for the June
23 primary.

24 Q. And then you and -- you forward on to,
25 again, Mr. Tucker and Ms. Smothers at Dominion

1 asking them to get in touch with the tech in Camden
2 County and see if this can be resolved.

3 Do you see that?

4 A. I do.

5 Q. What do you recall about this specific
6 situation?

7 A. I -- I do not recall the specific
8 situation.

9 Q. Okay. So do you know, for example,
10 whether there were voters who had voted on this BMD,
11 you know, at some point during the day before this
12 issue had been flagged, before election workers
13 realized there was a candidate that was not
14 appearing on the BMD?

15 MS. LaROSS: Objection as to form of the
16 question.

17 You can answer.

18 THE WITNESS: I do not know if anyone had
19 already used this BMD prior to this instance,
20 but I also do not know whether they had
21 programmed the voter access card to actually
22 display the proper ballot with what -- that
23 voter's candidate that they were looking for.
24 So I -- I do not know.

25

1 BY MR. CROSS:

2 Q. You just don't recall anything about this
3 incident one way or the other?

4 A. I do not recall, no, sir.

5 Q. So is it fair to say you don't recall
6 whatever the solution was either?

7 A. I do not.

8 Q. And then when you sent this on to
9 Mr. Tucker and Ms. Smothers, why was it Dominion's
10 responsibility to figure this out, rather than
11 County or State election officials?

12 A. At this point, this is, again, where
13 Dominion had built the elections projects, and they
14 would actually have more knowledge, at this point in
15 time, on how a candidate could be missing on a
16 ballot, if it was missing, and if it was missing on
17 a ballot, how do we go about getting that candidate
18 placed into the system so that their name does
19 appear on the ballot.

20 And if -- whatever that solution is, what
21 does it involve being done to the elections project.
22 Is that something that has to be done away from the
23 County, meaning back in the Atlanta area at the
24 Dominion location, or is it a task that the County,
25 with help from their local Dominion tech, could they

1 be walked through via a phone call from Dominion on
2 the tasks at hand to make sure that correction was
3 made.

4 Q. So having -- we've spent a lot of time
5 reading through a lot of documents that the State
6 produced and Dominion produced. It seems like since
7 this system rolled out, when issues like this come
8 up, any issue involving the Dominion voting
9 equipment, you or Mr. Harvey or others typically
10 refer to Scott Tucker to deal with that.

11 Was that sort of the general practice in
12 2020 and 2021?

13 MS. LaROSS: Object to the form of the
14 question.

15 THE WITNESS: In 2020, when we had some
16 sort of equipment issue, whether it be the
17 generation of the ballot, the display of the
18 ballot, the execution of the equipment, the
19 operation of the equipment, if there was a
20 concern about a technician at the county level,
21 yes, that was -- that was reported back to
22 Scott and to Tom Feehan.

23 BY MR. CROSS:

24 Q. And usually there would be a Dominion tech
25 that would be dispatched either physically or

1 remotely, by phone, for example, to help with that;
2 is that right?

3 A. Yes. They had technician -- Dominion had
4 techs on-site at the county, but then they also had,
5 like, regional managers. And I think these regional
6 managers were, you know, a higher-trained elections
7 tech who would then oversee 10 to 12 counties, and
8 then the county tech would report to the regional
9 tech, the regional tech would report back to Scott
10 and his team.

11 And then when an issue -- if the State
12 took an issue to Dominion, took it to Scott, took it
13 to Tom, then they would follow back up through that
14 chain of command down to the county.

15 Q. Was that the same process with ES&S under
16 the old GEMS DRE system, meaning the State and
17 county relied significantly on ES&S techs during an
18 election?

19 A. Well, it was a different dynamic with ES&S
20 at the end of their -- at the end of their contract.

21 When Diebold was the initial vendor for
22 the State back in 2002-2003, the same dynamic that
23 we were executing with Dominion in 2019 and 2020 was
24 similar to what was being executed in 2002-2003 in
25 regards to Diebold when that voting system was

1 originally rolled out.

2 By the time that ES&S had taken ownership
3 of the -- of the system in 2010, by that point in
4 time, a lot of counties had become self-sufficient
5 in the use of the voting system and getting them
6 prepared.

7 And then for technical support, that was
8 phone calls in to the Secretary of State's Center
9 for Election Systems or Kennesaw State's Center for
10 Election Systems in regards to -- if there was a
11 problem with a server, if there were problems with
12 DREs or optical scan units.

13 Q. And now in 2022, the support obligations
14 Dominion originally had under its contract, those
15 have expired; is that right?

16 A. That is correct.

17 Q. What, if any, continuing obligations does
18 Dominion have with respect to supporting the
19 election system in Georgia?

20 MS. LaROSS: Object to the form of the
21 question.

22 THE WITNESS: Yeah, that's a question in
23 regards to what are they contractually bound
24 to, and I can't speak to that. I don't have
25 intricate knowledge of the State's contract

1 with Dominion.

2 However, Dominion still contracts with
3 individual counties for technical support if
4 that county is so choosing. So if there's a
5 contract in place between the county and
6 Dominion for technical support, they're still
7 beholden to that contract.

8 The Secretary of State's office still has
9 a relationship with Dominion as -- as our
10 vendor. If we, in the process of building
11 election project files, come across a
12 circumstance where we're not quite certain how
13 to set something up in the application, then we
14 will pick up the phone and we will call
15 Dominion and ask them to sort of, you know,
16 refresh our memory how -- how do we need to
17 make -- how -- what is the setting we need to
18 have in place to make sure that the ballot is
19 displayed in this such manner if necessary or
20 how best to, you know, organize the list of
21 candidates so that we are getting the -- you
22 know, the right display on the BMD, that it --
23 it -- the display will make sense to the
24 voters.

25 So we still have a very good working

1 relationship. I -- I personally do not speak
2 to Scott Tucker very often now. He is still
3 working with the State of Georgia as a customer
4 service representative. I think he sort of
5 focuses on a certain set of counties now.

6 But they have, I think, a group of three
7 regional service managers that communicate with
8 certain counties and provide services to
9 counties if -- if required.

10 BY MR. CROSS:

11 Q. The services that are provided to counties
12 now that you said the counties can opt for from
13 Dominion, do the counties pay for that?

14 A. They do.

15 Q. Putting aside -- and I understand the
16 point about contractual obligations. Let me ask the
17 question a different way.

18 What expectation do you have going forward
19 with respect to Dominion providing support for
20 counties of the State for the -- the Dominion
21 election voting equipment that's used, technical
22 support?

23 MS. LaROSS: I object to the form of the
24 question.

25 THE WITNESS: My expectation of Dominion

1 is as long as the State of Georgia is using a
2 Dominion product, that we should be able -- the
3 Secretary of State's office should be able to
4 pick up the phone, call someone at Dominion,
5 who can then help us resolve the problem we may
6 be having.

7 BY MR. CROSS:

8 Q. And as the head of CES, do you believe
9 that the counties now -- that the election workers
10 at the county level are sufficiently trained and
11 proficient with the Dominion equipment that they can
12 support this through elections without separately
13 paying for Dominion techs?

14 A. It's my belief that counties are getting
15 to that point. Are they already at that point?
16 Some may be, based upon their resources, the amount
17 of staff that they've had on board throughout '20
18 and now in -- and now through all of '21.

19 A lot of counties have had multiple
20 elections in '20 and '21, and with every election,
21 you gain additional knowledge and -- and comfort
22 with the voting system.

23 The Secretary of State's office, we do
24 training classes. We're in the midst of conducting
25 training classes right now for counties. We've been

1 conducting training classes in January and we'll be
2 conducting them the rest of this month, where
3 counties come in and we give them, you know, again,
4 a full overview of the voting system, its
5 components. We go through the logic and accuracy
6 procedures. We go through the process of setting up
7 their BMDs, of setting up their scanners, of setting
8 up their central scanner.

9 We go through exercises of scanning
10 ballots, tabulating results, all of those things
11 that a county will have to do to execute an
12 election, whether it's a general election, a general
13 primary, or a special election.

14 And it's the intention of CES to continue
15 providing those training opportunities for counties
16 if they wish to take them. Some counties will do
17 that. Some counties will spend a lot of time
18 educating themselves, gaining more information.
19 Other counties, they're going to contract with the
20 vendor for support, and they will probably do that
21 for some years to come.

22 Q. And I believe you said that Diebold
23 provided similar tech support for the DRE system in
24 the first year or two to what Dominion provided in
25 the first year or two of this system; is that right?

1 A. That is correct.

2 Q. Why does Georgia introduce new systems in
3 that way? Meaning why does it put the election
4 system into actual elections and then rely on the
5 vendor to provide tech support, rather than getting
6 its election officials trained to be self-sufficient
7 before it's actually used in elections?

8 MS. LaROSS: Objection to the form of the
9 question.

10 THE WITNESS: Elections happen on a set
11 schedule, and whenever you transition from one
12 set to another, the elections calendar is not
13 going to stop and elections have to be executed
14 on those dates and times. So the State of
15 Georgia, through its rollout of voting systems
16 statewide, in both instances did engage the
17 vendor for assistance.

18 And in other locations outside the state
19 of Georgia, it's a high level of expectation
20 that vendors are providing support and services
21 to local county elections offices in the
22 execution of elections.

23 There are probably very few counties in
24 the entire nation that are completely
25 self-sufficient and have no reliance in any

1 way, shape, or form on vendor support.

2 BY MR. CROSS:

3 Q. Right. But you -- with a system like
4 Dominion, right, understanding elections have to
5 continue, you could use the DRE system while you're
6 training people on the new system in parallel so
7 that your election workers would be more proficient
8 with the new system before it's used in actual
9 elections; right? That would be an option.

10 MS. LaROSS: Objection to the form of the
11 question.

12 THE WITNESS: Well, again, in 2019, the
13 State of Georgia continued using the DRE system
14 while we were in the process of procuring and
15 acceptance testing the new voting system, and
16 counties were being trained on the new voting
17 system while they were still using the DRE
18 system.

19 So at some point in time, there has to be
20 a transition from System A to System B, and
21 when you're dealing with a statewide
22 transition, it -- it's not the easiest
23 execution of operation.

24 BY MR. CROSS:

25 Q. Right.

1 And since it's not the easiest execution
2 of operation, why not have a longer ramp-up period
3 to train folks on the new system?

4 MS. LaROSS: Objection as to form of the
5 question.

6 THE WITNESS: Whenever rolling out a
7 system, you have to follow -- follow upon some
8 timeline that has been decided upon.

9 And that was our task at hand in 2019 and
10 2020, was following through on a legislative
11 decision to change the voting system and to
12 transition to the system that we have today.

13 BY MR. CROSS:

14 Q. And there was a Court-ordered injunction
15 prohibiting the DRE system beyond 2019; right?

16 A. That is correct.

17 Q. And -- and -- strike that.

18 One of the things that you guys had to do
19 during the transition was to set up the new private
20 network for the State EMS for Dominion; right?

21 A. Yes.

22 MS. LaROSS: Objection as to form of the
23 question.

24 Go ahead.

25 THE WITNESS: Yes, that is correct.

1 BY MR. CROSS:

2 Q. And that actually did not get set up until
3 the summer of 2020; right?

4 A. That is correct.

5 Q. Why did it take -- well, strike that.

6 The -- the Dominion system was announced
7 publicly in August of 2019; right?

8 A. That is my recollection, yes, sir.

9 Q. And how long before the public
10 announcement was the decision made to go with the
11 Dominion system?

12 A. That, I -- I -- that, I don't know. I
13 can't answer that question.

14 Q. When did you first learn that the Dominion
15 system was going to be the one that was going to be
16 used?

17 A. It was in the summer of 2019, at the
18 conclusion of the evaluation committee's review of
19 RFPs and the negotiation between the procurement
20 office for the State of Georgia and the selected
21 vendors.

22 Q. Let me ask you this way: How long before
23 the public announcement did you learn that Dominion
24 was going to be the new system so that you could
25 start getting ready for that transition?

1 MS. LaROSS: Objection as to form of the
2 question.

3 THE WITNESS: I think I found out about it
4 the same time the public was finding out about
5 it. It was generally in the same time frame.

6 BY MR. CROSS:

7 Q. When you say "same time frame," do you
8 mean within weeks?

9 A. Within weeks, within days.

10 Q. Okay. So given that the -- the decision
11 had been made by the summer of 2019, why did it take
12 a year to get the -- the private network set up for
13 the State on the Dominion EMS?

14 MS. LaROSS: Objection to the form of the
15 question.

16 THE WITNESS: Again, a question for the IT
17 department, for they are the ones that were
18 putting that system together.

19 In 2019, we were still in an environment
20 of supporting elections for the remainder of
21 2019 under the old system, and CES was fully
22 engaged in that, as well as in the process of
23 testing the 30-something-thousand pieces of
24 equipment that were coming in to the state for
25 distribution as part of the new system.

1 So as all of that testing was going on, we
2 were also in the process of acquiring a new
3 facility that was going to be the -- the
4 housing location for CES. Prior to the summer
5 of '19, CES was housed in the Twin Towers
6 downtown across from the State Capitol, but it
7 was relocated out to Marietta in the summer of
8 '19. And during that process was when all the
9 infrastructure was being built and put in place
10 to facilitate their -- the actions that CES
11 were having to undertake.

12 The building of election projects was
13 going to be something that was later on in our
14 operation, because the vendor was going to be
15 engaged in building those projects.

16 We did have computers in our facility that
17 had the election applications installed. These
18 computers were standalone computers, not
19 connected to any network in any way, shape, or
20 form, that we would then use to interact with
21 elections projects when election projects were
22 prepared and made ready to -- distribution then
23 to the county.

24 So even though we didn't have the full
25 infrastructure built and in place, we had

1 things in place that allowed us to execute the
2 tasks that we needed to execute during that
3 time frame.

4 BY MR. CROSS:

5 Q. So what was -- what changed between
6 whatever infrastructure you set up for the Dominion
7 system beginning in 2019 until the private network
8 was set up that you have in place today that was set
9 up sometime in summer of 2020?

10 MS. LaROSS: I object to the form of the
11 question.

12 THE WITNESS: The dedicated computers that
13 we used to interact with the Dominion
14 application were being housed in what we
15 design- -- what we call our training room
16 within CES.

17 So whenever we had to interact with an
18 elections project that had been built by
19 Dominion and before it was distributed to a
20 county, it was placed on these standalone
21 Election Management computers, similar to what
22 were housed -- similar to what were in place at
23 the county level, and then we would interact
24 with those projects for proofing purposes and
25 for packaging for distribution to the

1 individual counties.

2 What was being configured at the time was
3 our internal infrastructure that would allow us
4 to be able to sit in our individual offices and
5 have not only a public-facing computer, which
6 we had, but also a private network computer
7 that would be tied in to the Election
8 Management System and application that was
9 being placed on the private server.

10 BY MR. CROSS:

11 Q. So before the current private network,
12 when the new Dominion system rolled out in 2019, you
13 set up a -- an EMS network in the -- the training --
14 the IT training room in your office?

15 A. It was not an EMS network; it was an
16 isolated computer. It wasn't -- these computers
17 were not plugged into one another. They were
18 isolated computers. All they were plugged into was
19 a power source.

20 Q. When you say "computers," do you mean
21 desktop computers? Servers? Or what do you mean?

22 A. I mean a -- a -- a Election Management
23 computer similar to what you would see in the county
24 today.

25 Q. How many of those were there?

1 A. There were two dedicated computers.

2 Q. And what were they connected to?

3 A. A power outlet.

4 Q. That was it?

5 A. That was it.

6 Q. They weren't connected to each other
7 either?

8 A. They were not.

9 Q. Why did you have two?

10 A. Because that's what we had, was two.

11 Q. No, I'm sorry. Why did you have -- why
12 did you need two, instead of just one, to run the
13 system at that time?

14 A. Well, we had two because we're trying to
15 support the production of 159 county project files
16 in the same time frame. So we wanted to have more
17 than one person working on these tasks at that time
18 if possible.

19 Q. But if the computers weren't connected to
20 each other and you have multiple people working on
21 those two computers at the same time, how do you --
22 how did you synchronize the data across those two
23 computers?

24 A. We weren't needing to synchronize the data
25 between those two computers. Those -- one computer

1 would have a project file for Fayette County;
2 another computer would have a project file for
3 Spalding County.

4 We were checking project files independent
5 of one another, one at a time, to make sure that
6 they are correct and then also producing the project
7 file for delivery to the county. So you don't --
8 you work on one project file at a time. You -- you
9 don't synchronize project file data from project
10 file to project file.

11 Q. So each of the two computers, in this 2019
12 to early 2020 time frame, that you were using for
13 the Dominion election system, each one was fully set
14 up with the Dominion Democracy Suite that you needed
15 to run the -- the Election Management software?

16 A. It was set up with EED, which is the
17 Election Event Design application; it was set up
18 with RTR, which is the Results Tabulating &
19 Reporting application. And those are the two
20 primary applications that we interact with when we
21 are building and constructing an elections project.

22 The computers, to my recollection, also
23 had the Adjudication Client application installed on
24 them, but that is not an application that's used
25 during the -- the production of an elections

1 project.

2 And I think those were the three
3 applications installed from a Dominion Suites
4 perspective -- from a Dominion Suite perspective.

5 Q. So what's on the current State Dominion
6 EMS server that's used to administer the -- the
7 Dominion election system?

8 A. On the server currently is EED -- or the
9 applications that we have on our workstations are
10 EED, are RTR, the Adjudication Client. Those are
11 the three applications that we have on our
12 workstations that are -- and these are the
13 workstations that are connected to the private
14 network. Those are the three applications.

15 Q. What do you use RTR for?

16 A. RTR, our Results Tabulating & Reporting,
17 we have to -- when we are building an elections
18 project, one of the checks that we do on the back
19 end before we send it to the county is we have to
20 open up RTR to make sure that the project file will
21 create the proper formatted export file.

22 So we have to make sure that the proper
23 export file format has been in -- that is in place
24 and is active so that when the project file is
25 loaded at the county level, that they are able to

1 produce the export file that they need for
2 submission to the Secretary of State's ENR page.

3 And we also validate that RTR can produce
4 the election summary report that it needs to produce
5 and also the statement of votes cast report.

6 Q. Do election results data get stored on the
7 State EMS server?

8 A. It does not.

9 Q. So what goes onto the EMS server after an
10 election is done, if anything?

11 A. After an election is over with -- are you
12 talking about after a county has completed the
13 election and then they send in their backup copies
14 of the project postelection?

15 Q. Yeah, you've gotten their backup copies of
16 the project, you've gotten their ENR data,
17 everything that you get from the counties.

18 A. Well, ENR data, that is transmitted from
19 the county elections office to the Secretary of
20 State's Election Night Reporting System.

21 But postelection, county election
22 officials are supposed to create an election backup
23 copy of their election project and submit that to
24 the Secretary of State's office.

25 When that jump drive is received, that

1 jump drive is extracted from the transport bag that
2 the county uses to send that information back to the
3 State, and then that USB drive is placed inside a
4 bin and that bin is then placed in a secured room.
5 We have no reason to take that jump drive returning
6 from the county and plug it back into our -- our
7 private environment.

8 If we need to look at that project file
9 for some reason, then that jump drive is going to be
10 plugged into one of our Election Management System
11 training computers that we have in our training
12 room. And, again, those are computers that are only
13 plugged into a power source, and they do have the
14 applications necessary to open the project and view
15 the information within the project.

16 But the -- the postelection project files
17 are never reintroduced into our Election Management
18 System on the private system.

19 Q. Is there a log maintained of -- of the
20 election project data coming back from the counties?

21 A. Is -- is there a log? Do we notate what
22 we got -- do we note for whom we got something back?

23 Q. Yes.

24 A. I don't believe I create a physical record
25 that indicates what that is. If I'm questioned by a

1 county -- now, the county -- when the county
2 certification materials are returned to the State,
3 the State goes through an inspection of what is
4 returned and they make note of what is returned at
5 that point in time.

6 And then the Secretary of State's office
7 downtown brings -- by way of an investigator, brings
8 out the returned jump drives that we then place into
9 a bin and put into a secured room. So there's
10 record of what a county returns, but that's done by
11 a different portion of the Secretary of State's
12 office, not CES.

13 Q. So what efforts, if any, are made at the
14 Secretary's office to ensure that counties comply
15 with the rule requiring them to provide this data
16 back to the State?

17 MS. LaROSS: Objection to the form of the
18 question.

19 THE WITNESS: I can only speak to what
20 I -- what I just mentioned, is that the --
21 the -- the certified returns are returned to
22 the Secretary of State's office downtown, and
23 then those -- those packages are opened and
24 people with the Secretary of State's office
25 downtown inspects what has been delivered and

1 then, to my knowledge, make note of what the
2 county has returned.

3 BY MR. CROSS:

4 Q. So your office doesn't have responsibility
5 for tracking the -- this data, these files from the
6 counties?

7 A. No.

8 Q. And are you talking the postelection data
9 or the preelection database files?

10 A. I'm talking about the postelections, what
11 we're discussing right now.

12 Q. Okay. That's what I thought.

13 So the counties also have to provide to
14 the Secretary a copy of the Election Management
15 System database for that county before the election;
16 right?

17 A. No.

18 Q. Okay. That's not -- that's not a
19 requirement?

20 A. No, that is not a requirement.

21 Q. So going back to the setup of the Dominion
22 system in 2019 and 2020, given your -- you say that
23 you are able to run the -- the Dominion system on
24 two standalone computers.

25 Why did you bother to transition to what

1 you say now is the private network that has a -- a
2 central server and then multiple computers connected
3 to it?

4 MS. LaROSS: Objection as to form of the
5 question.

6 THE WITNESS: We have employees. They
7 have offices, and we like for our employees to
8 be able to sit at their desk and do their job
9 in their desk next to their public computer, as
10 well as their private computer, as opposed to
11 having to go into one office to get their email
12 and then go around to another office to
13 interact with a Election Management computer.

14 We felt like it would be easier for us to
15 do our task if we could be able to sit in our
16 offices and access both systems at the same
17 time, with one being in the protected, isolated
18 environment and the other one being in the
19 standard SOS environment.

20 BY MR. CROSS:

21 Q. And just so I understand, when you say
22 they're -- the two computers are on the two
23 different environments, the two computers sit in the
24 same employee's office, it's just that one has an
25 Internet connection and the other has a hard-line

1 connection to the private network; is that right?

2 A. That is correct.

3 Q. And sorry if I asked you this before.

4 How many employees have that setup, those
5 two computers?

6 A. One, two, three, four, five, six, seven --
7 seven employees.

8 Q. And what are their -- I don't need all
9 their names.

10 What -- what are their titles or roles,
11 generally?

12 A. There's myself, and then I have four
13 election coordinators and those are the people that
14 are responsible for building election projects.

15 And then I have my two election system
16 specialists, and their involvement is in the
17 proofing of the project files that are constructed
18 by election coordinators and in the packaging of
19 those projects once they've been approved by county
20 review.

21 (Jenna Conaway entered the deposition.)

22 BY MR. CROSS:

23 Q. Does anyone else have access to the
24 private network room?

25 A. My IT support has access to the private

1 server room.

2 In case of emergency, we do have a card
3 key swipe that will allow us to get into the server
4 room, but it's -- but it's contained in a locked key
5 box. The -- the lock -- I maintain the key to that
6 lockbox, and me and my election -- my election
7 system specialist can get to that key in order to
8 open that lockbox in order to gain that swipe card
9 access.

10 Q. So only two people have that key?

11 A. There's only two people that have that --
12 well, have that physical key, yes.

13 Q. So only two people have access to that
14 lockbox?

15 A. That is correct.

16 Q. All right. Grab Exhibit 15, please.

17 (Plaintiffs' Exhibit 15 was marked for
18 identification.)

19 THE WITNESS: Okay. I'm looking at it.

20 MS. LaROSS: Sorry. What exhibit are we
21 on? I apologize.

22 MR. CROSS: 15, 1-5.

23 MS. LaROSS: Thank you. Excuse me.

24 BY MR. CROSS:

25 Q. Do you have it?

1 A. Yes, I'm looking at it.

2 Q. Okay. Sorry. Hold on one second.

3 All right. So Exhibit 15 is an email that
4 Kevin Rayburn sent to you, several folks at the
5 Secretary's office, and some folks at the -- at
6 Dominion on June 8, 2020; right?

7 A. Correct.

8 Q. And the subject line is "continuing ENR
9 issues."

10 Do you see that?

11 A. I do.

12 Q. If you come down to the bottom of the
13 document, the last page, the middle of that page,
14 you'll see that the first email in here is from Ryan
15 Germany on June 8, 2020.

16 A. Yes.

17 Q. And he writes in the second sentence -- or
18 midway through the first sentence, "...we still have
19 79 counties that have errors in their ENR upload
20 file. It seems that the Dominion techs in those
21 counties did not properly implement the corrections
22 that we identified last week. This is completely
23 unacceptable. If ENR is not successful tomorrow,
24 then we do not have a successful election."

25 Do you see that?

1 A. I do.

2 Q. And we are literally on the eve of the
3 June 9 primary at this point; right?

4 A. We are.

5 Q. What do you recall about the ENR upload
6 issues that were occurring at this time?

7 A. My recollection of what this is relating
8 to is when the election projects were built for the
9 June primary, they're called export codes. We have
10 to assign a code to state-level races. The contests
11 themselves have to have an ID number so that when
12 the export file is generated, the ENR system knows
13 that this -- this candidate and its result is tied
14 to the governor's race or it's tied to the U.S.
15 Senate race.

16 When the project files were built, those
17 codes were put in place for State races, and in
18 addition, they also put in export codes for the
19 individual candidates below there.

20 The ENR system was not expecting there to
21 be a numeric value for the individual candidates.
22 In fact, it did not need that. But with the -- but
23 with that value being in place and in the export
24 file, it would not load properly into the ENR
25 system.

1 So the resolution required going back into
2 the election project and removing those -- those
3 numbers -- and they're in an area that's called an
4 external ID field -- is removing those numbers from
5 all -- all state races that had candidates. If the
6 candidate had an external ID number, it had to be
7 cleared out, and if any local candidate in any local
8 race had an external ID number entered, it had to be
9 cleared out, so that the only items in the system
10 that would have an external ID number would be
11 state-level contests and nothing more.

12 And once that -- once that correction was
13 made, a new export file was generated and then
14 submitted to ENR for processing, and it would then
15 be -- it's successfully processed.

16 Q. So if you come up to the email from Kevin
17 Rayburn here, in the last sentence, he writes "...we
18 are seeing techs trying to upload March zero files
19 into the June ENR. They need to be very careful not
20 to do that."

21 Do you see that?

22 A. I do.

23 Q. What are March zero files?

24 A. Well, again, this gets back to the -- the
25 fun we had in 2020. We were scheduled to have a

1 March PPP in 2020, and election project files were
2 generated and distributed to a number of counties
3 for execution of the March PPP. But there was never
4 a March PPP. The March PPP was rescheduled to then
5 be held in conjunction with the May 2020 general
6 primary.

7 So a new election project had to be built
8 for all 159 counties that incorporated the -- the
9 March PPP race and placed it on the May 2020 ballot,
10 and then that combined ballot of the PPP and the --
11 and the planned May primary was then further
12 rescheduled until June 9.

13 So when it came time to do an election
14 upload, there were some ballots that were issued in
15 connection with the March PPP, and those ballots
16 still had to be counted. So counties that had
17 gotten that original PPP project and had issued
18 ballots in the original PPP had to count votes and
19 tabulate them in that PPP March project.

20 What this is referring to is that when you
21 would upload an Election Night Reporting file, if
22 you're generating it from the May 2020 primary,
23 which was being used for the June election, that
24 export file had to feed into the -- the June 9 ENR
25 page. But there also was a second ENR page for

1 upload of the March results that needed to be
2 collected and tabulated.

3 So counties were actually doing two
4 Election Night Reporting uploads at the end of the
5 general primary. Some of the votes were going into
6 the original March framework, and that database only
7 had two races in it, which was the presidential
8 race, Democratic and Republican, but the primary
9 database had those two races plus all the other
10 statewide and local races that were part of the
11 general primary.

12 Q. When you say "PPP," you mean presidential
13 preference primary; right?

14 A. Yes, sir. I'm sorry. I should -- I
15 should -- I should have explained that.

16 Q. No, no, that's fine. Just so we're all
17 clear.

18 And why -- why was it a serious problem
19 to -- for Dominion techs to upload the March zero
20 data?

21 A. This gets back to how ENR operates, is
22 that if it sees a file, it's trying to load that
23 file into -- into the application, but the
24 application is expecting the file to contain a lot
25 more information because it's trying to feed

1 information to a lot more races, a lot more
2 contests.

3 But the file that was coming over from the
4 county from a March election did not have that same
5 litany of information, so it would -- it didn't
6 match the -- it didn't match the slot that it was
7 trying to be placed into.

8 Q. All right. Grab Exhibit 16, please.

9 (Plaintiffs' Exhibit 16 was marked for
10 identification.)

11 THE WITNESS: Okay.

12 BY MR. CROSS:

13 Q. And you see Exhibit 16 at the top is an
14 email from Chris Harvey --

15 A. Yes.

16 Q. -- on June 9, 2020.

17 That's what you've got; right?

18 A. That is what I see, yes, sir.

19 Q. Okay. So if you come down to the middle
20 of the first page, you'll see there's an email. It
21 says "managementescalationissues."

22 Do you see that?

23 A. I do.

24 Q. Are you familiar with that email account?

25 A. I am not.

1 Q. That's not something you've seen at the
2 Secretary's office?

3 A. I am not familiar with that, no, sir. I
4 do not know what that is.

5 Q. Okay. And then this -- this is an email
6 June 9, 2020, 9:46 a.m., so we're a little while
7 into the presidential primary that day; right?

8 A. Yes, sir.

9 Q. And then in all caps, it reads "MACHINES
10 NOT WORKING, NO PAPER BALLOTS AVAIL."

11 Do you see that?

12 A. I do.

13 Q. And if you come down, you'll see that
14 there's a signature block here that indicates the
15 email is from Tasheena Lockett, the customer service
16 team lead at the Georgia Secretary of State.

17 Do you see that?

18 A. Yes.

19 Q. Do you know her?

20 A. I do not.

21 Q. And so there's a report from a caller. It
22 says "Nature of call: Caller states she has
23 been" -- sorry. I'll try it again.

24 "Nature of call: Caller states she been
25 at this location since 6AM. She states not one

1 machine is working and they do not have any paper
2 ballots."

3 Do you see that?

4 A. I do.

5 Q. And fair to say the June primary rollout
6 of the Dominion system was a bit chaotic; right?

7 MS. LaROSS: Objection as to the form of
8 the question.

9 THE WITNESS: That was a very -- that was
10 a very busy day, yes.

11 BY MR. CROSS:

12 Q. There were a lot of challenges that arose
13 with the new BMD system at counties around the
14 state; right?

15 A. Yes.

16 Q. And, in fact, there were counties like
17 Cobb County, among others, that had to rely pretty
18 heavily on paper ballots as a backup because of the
19 challenges with the BMD system; right?

20 MS. LaROSS: Objection as to form of the
21 question.

22 THE WITNESS: I believe there were a
23 number of locations that when they started out
24 the day, that they did have to transition over
25 to the emergency paper ballot because the poll

1 workers were not successful in powering on the
2 equipment as they should have been.

3 BY MR. CROSS:

4 Q. And that's just one of the problems.
5 There were also problems where the BMD equipment,
6 even when powered on, didn't function as it was
7 supposed to. That happened in some cases; right?

8 A. I'm -- I suspect that was the case, but I
9 can't think of a direct example. But I will say
10 yes.

11 Q. Okay. What emergency paper back- --
12 strike that.

13 What plan did the Secretary adopt as an
14 emergency paper backup for the 2020 election, if
15 any?

16 MS. LaROSS: Objection as to form of the
17 question.

18 THE WITNESS: It's my understanding that
19 they had -- Secretary of State's office had
20 instructed counties that as a cause of
21 emergency, that if something were to transpire
22 where the BMD was not operational, that they
23 should have preprinted copies of hand-marked --
24 hand-fillable ballots available to poll workers
25 for distribution to the voters.

1 Those hand-marked paper ballots can be
2 scanned by the ICP scanners that are in place
3 at the polling locations on election day.

4 BY MR. CROSS:

5 Q. Did you at some point see a written plan
6 for using emergency paper ballot backups for the
7 2020 election, the June 2020 election?

8 A. I don't recall seeing very much of the
9 instructional documentation for process of managing
10 polls that was being sent out from the elections
11 division to counties to try to get them ready for
12 the first rollout. There was a -- a high number of
13 training materials and official election
14 notifications and such that went from Mr. Harvey's
15 office to the counties to get them ready for that
16 election.

17 So I'm sure that there were those things,
18 but I can't remember -- I can't say to a fact that I
19 saw every single one of those.

20 Q. If someone were to ask you for a copy of a
21 emergency paper ballot backup plan for the June 2020
22 election, is there a document that you could put
23 your hands on and say, "Here it is"?

24 MS. LaROSS: Objection to the form of the
25 question.

1 THE WITNESS: I do not know of a document
2 of that nature, but if I was looking, I would
3 probably go on to the Firefire -- excuse me,
4 the Firefly system that the State has for
5 distributing materials of that nature to the
6 counties. And it would be my assumption that
7 those documents would be there if they existed.

8 BY MR. CROSS:

9 Q. One of the challenges that counties ran
10 into in June 2020 was that they had too few paper
11 ballots on hand, given the problems with the BMD
12 system; right?

13 MS. LaROSS: Objection as to form of the
14 question.

15 THE WITNESS: There was a -- there was a
16 high level of turnout on the morning of June 9,
17 and when -- when the equipment is not working
18 and you have to go -- fall back to that
19 emergency, there were probably locations that
20 were running out of those emergency ballots,
21 yes.

22 BY MR. CROSS:

23 Q. And you said your understanding was that
24 the counties were supposed to have some number of
25 preprinted ballots on hand as a contingency for that

1 situation; right?

2 A. That is correct.

3 Q. How were the counties supposed to do that?
4 What was -- what was the plan, if there was one, for
5 counties to figure out how many paper ballots they
6 needed, where they would get them, who would pay for
7 it, how they'd be transported, all the logistics
8 that would go into that.

9 MS. LaROSS: Objection to form of the
10 question.

11 THE WITNESS: Well, again, counties
12 execute elections, and counties have always
13 been putting together backup plans to keep
14 balloting going, no matter what election system
15 may have been in operation.

16 And the use of a paper ballot in a polling
17 location in case of equipment failure has been
18 in practice for -- for many years. We've
19 referenced them for a long time as, "Well, you
20 just issue them a provisional ballot in case of
21 emergency."

22 But the State had changed the vernacular
23 on those things to say, "No, let's -- we
24 will -- you know, it's an emergency ballot. We
25 don't have to worry about whether it needs to

1 be counted or not. These voters have proven,
2 you know, they're on the registration list.
3 They're in the polling place. We will issue
4 them a ballot on paper and it will be scanned
5 and their vote counted. It doesn't have to go
6 through a provisional double-check." So
7 counties have -- will always work to have those
8 emergency things in place.

9 Counties are responsible for executing the
10 election. The cost of printing ballots is a
11 county expense. Counties have ballots printed
12 for mail-out purposes, they have ballots
13 printed for provisional purposes, and they have
14 ballots printed for emergency purposes.

15 MS. LaROSS: David, whenever we could, I'd
16 appreciate a break.

17 MR. CROSS: Sure. Yeah. Just a few more
18 minutes, if that's okay.

19 MS. LaROSS: Yes, totally fine. Thank
20 you.

21 BY MR. CROSS:

22 Q. I guess what I'm trying to understand is
23 for -- given you had a new system that was in place
24 in June of 2020 and this was going to be the first
25 statewide use of the system in Georgia for

1 elections, did -- did the Secretary's office provide
2 any particular plan to the counties for how to --
3 how to prepare to use paper ballots as an emergency
4 backup in that election if they needed to?

5 MS. LaROSS: I object to the form of the
6 question.

7 BY MR. CROSS:

8 Q. Or did they leave that to the discretion
9 of the counties?

10 A. The State, you know, from my -- in my
11 opinion, they did provide information to the
12 counties through educational means.

13 I remember at the State conferences
14 leading up to this and the regional meetings
15 discussing about, you know, making sure you have an
16 emergency plan, that you have ballots available, we
17 can't stop -- voting has got to continue, if you
18 have an equipment issue, that you still issue
19 ballots.

20 You know, was there a plan -- a,
21 quote/unquote, plan that was drafted and shared to
22 individual counties about "Here's what the State
23 recommends you do"? I cannot speak to that. I do
24 not recall seeing that.

25 Q. Are you aware of any counties using their

1 BMDs to print a ballot for voters at the precinct on
2 election day?

3 A. No.

4 Q. You're not aware of Chris Harvey, for
5 example, ever giving authorization to any county to
6 do that?

7 MS. LaROSS: Object to the form of the
8 question.

9 THE WITNESS: You can't use a BMD to print
10 a hand-marked paper ballot to give to a voter.

11 BY MR. CROSS:

12 Q. And what's the basis for that belief?

13 A. I have never seen a hand-marked paper
14 ballot be produced from our BMDs to be handed to a
15 voter to fill in to then have scanned. I have never
16 seen our BMDs print out a ballot in that format at
17 all.

18 Now, counties have what's called a mobile
19 ballot printer, and a mobile ballot printer is
20 actually a printer that's housed in their elections
21 office. And the mobile ballot printer, in essence,
22 is a big printer, and a computer is connected to
23 that printer and PDF files can be extracted from the
24 Election -- Election Management project and taken
25 over to that computer that's connected to the

1 printer and you can print out PDF files, which would
2 be the hand-marked paper ballots. And then those
3 ballots could be taken to a polling location and
4 could then be scanned and recognized by the scanner.

5 That could be done, and I believe that
6 there were counties on election day in need of
7 printed ballots that did do that.

8 Q. You've never heard that the Dominion BMDs
9 that Georgia currently has can be used as on-demand
10 ballot printers at the precincts?

11 A. I have never heard that, and I have never
12 seen a ballot-on-demand be printed out from the BMD
13 that is a hand-marked paper ballot format.

14 Q. All right. Two quick questions and then
15 we'll take a break, if that's okay.

16 A. Sure.

17 Q. Just going back to what we talked about
18 before on the -- the -- the transi- -- the -- sorry.

19 We've talked a lot about this private
20 network that was set up for the Dominion system in
21 the summer of 2020; right?

22 A. Yes.

23 Q. Okay. You said the reason of the
24 transition, if I understood you right, from the
25 system that you had in the training room when you

1 were first rolling this out to what you have now was
2 that it made a lot more sense, it was easier for the
3 workers who have access to those computers to be
4 able to have them in their office together, rather
5 than have to go from one office to another.

6 Did I get that right?

7 A. Correct.

8 Q. And why would the workers, during the
9 course of the day, need access to both computers?

10 A. Well, if you're an elections -- if you're
11 an elections coordinator and you're building an
12 elections project, you're obtaining information from
13 the county related to the contests, the candidates.

14 You're also pulling information from eNet
15 that indicates, "Here are the precincts. Here are
16 the combos."

17 Having the ability to actually have that
18 displayed on a computer screen in front of you on a
19 monitor to your right while you are turning and
20 working on a completely different computer in a
21 completely different network environment and you're
22 keystroking in that information, instead of having
23 to have a lot of different pieces of paper flying
24 around, you can have all of that information on
25 display on your public monitor and then sit at your

1 private computer and key the information in.

2 Q. Okay. And one last question.

3 Are you aware of any forensic examination
4 that's ever been done of the computers or the server
5 that sits on the Dominion private network to
6 determine whether it's ever been compromised in any
7 way or -- or accessed in any unauthorized fashion?

8 MS. LaROSS: Objection to form of the
9 question.

10 THE WITNESS: The Dominion -- the
11 Dominion-maintained system?

12 BY MR. CROSS:

13 Q. Yeah. Let me be clear.

14 So the -- the private network that now
15 exists as of the summer of 2020 that's used to
16 main- -- run the Dominion system at the Secretary's
17 office. That's what we're talking about.

18 A. Okay. All right. So -- so state the
19 question again, please.

20 Q. Are you aware of any forensic examination
21 of any of that equipment, meaning the computers, the
22 server, any part of the equipment that makes up that
23 private network, to determine whether there's ever
24 been any compromise or unauthorized access?

25 A. I am not aware of one.

1 Q. No.

2 MR. CROSS: All right. Yeah, let's take
3 a -- let's take a break.

4 VIDEOGRAPHER: The time is 3:04 p.m.
5 We're off the record.

6 (Off the record.)

7 VIDEOGRAPHER: The time is 3:30 p.m.
8 We're on the record.

9 BY MR. CROSS:

10 Q. Okay. Mr. Barnes, let's grab the next
11 exhibit, which I think is 17.

12 (Plaintiffs' Exhibit 17 was marked for
13 identification.)

14 THE WITNESS: Okay.

15 BY MR. CROSS:

16 Q. And if at any point, Mr. Barnes, you need
17 to take a break, just say the word; okay?

18 A. Yes, sir. Thank you.

19 Q. Including if you need to stop.

20 A. No, I appreciate it. Yeah, the sugar
21 today has been extremely high, but I have been
22 powering through.

23 Q. Okay. Well, I'm sorry to hear that.
24 Hopefully that's not my fault.

25 A. It's not -- it's not all your fault.

1 Q. I have been told I'm very sweet, so I
2 don't know.

3 MS. LaROSS: It may not be personal at
4 all, David. I'm not sure.

5 BY MR. CROSS:

6 Q. All right. Let me know when you've got
7 17.

8 A. I'm looking at it.

9 Q. Okay. Let's see.

10 All right. So Exhibit 17 is an email that
11 you received from Kevin Rayburn on June 9, 2020;
12 right?

13 A. Yeah, it was sent to Scott Tucker and
14 myself.

15 Q. Yeah. And if you look at the -- in
16 Mr. Rayburn's email, he writes to you and Mr. Tucker
17 and copying Ms. Smothers at his -- or at Dominion
18 and Mr. Feehan at Dominion. He writes "Is there
19 someone at Dominion making calls? I am concerned
20 they are giving incorrect information. One tech
21 reported a person named Jennifer (or Jessica) told
22 him to take certain corrections that set them back.
23 And now Jefferson has worsened their file."

24 Do you see that?

25 A. I do.

1 Q. Do you recall this situation?

2 A. I don't recall that specific situation,
3 but this is -- in just scanning the rest of the
4 document, seems to be, you know, in -- in line with
5 what we were discussing earlier.

6 Q. In what respect?

7 A. It's discussing a "CHOICE External_ID for
8 county races" in that row there for Applying. That's
9 what we were -- that's what I was mentioning earlier
10 as what was causing the problem with the Election
11 Night Reporting files that the counties were
12 generating and sending up to the State for ENR
13 checking purposes.

14 Q. Okay. So you don't recall a specific
15 situation where Dominion was -- techs were giving
16 direction to counties that were creating problems?

17 A. I -- no, I don't recall a situation where
18 the instructions they were giving were creating
19 problems, but it could have been a scenario where
20 the instructions they were giving -- that the tech
21 was not understanding fully themselves and, thus,
22 creating a problem.

23 Q. Okay. All right. Grab Exhibit 18,
24 please.

25 A. Sure.

1 (Plaintiffs' Exhibit 18 was marked for
2 identification.)

3 THE WITNESS: Okay. I have it up.

4 BY MR. CROSS:

5 Q. And you see Exhibit 18 is an email from
6 Leigh Combs to Chris Harvey at the Secretary's
7 office on June 9, 2020?

8 A. Yes.

9 Q. And do you know Leigh Combs?

10 A. She is an election liaison for the
11 Secretary of State's office.

12 Q. Okay. Do -- the election liaisons, do
13 they work with CES or do they work with Chris
14 Harvey's department, or what was their role?

15 A. Election -- election liaisons report to
16 the elections director -- at the time that was Chris
17 Harvey -- and they work in the downtown office of
18 the Secretary of State's elections division.

19 Q. Okay. So Ms. Combs writes here "[REDACTED]
20 [REDACTED]
21 [REDACTED].
22 [REDACTED]
23 [REDACTED]."

24 Do you see that?

25 A. I do.

1 Q. Do you know what it means when she writes

2

3

?

4

A. What that means is there are two ways to
5 activate a voting session on the BMD. One is by
6 creating a voter access card from the Poll Pad, with
7 that voter access card containing the needed
8 activation code.

9

The other way is by what's called poll
10 worker ballot activation, where a poll worker
11 inserts a poll worker voter -- a poll worker card,
12 smart card, into the smart card reader on the front
13 of the BMD.

14

The poll worker then keys in an
15 eight-digit code that's associated to that poll
16 worker card and to that election, and then it gives
17 the poll worker the ability to do a ballot
18 activation where they are then asked for a ballot
19 activation code that then enables and brings up the
20 ballot on the touchscreen. And then the voter can
21 interact with the ballot on the BMD touchscreen and
22 then have the BMD produce the printed ballot.

23

Q. The default way is to use the card, right,
24 rather than the activation code?

25

A. The expected way is for us to create the

1 voter access code from the Poll Pad, yes.

2 The secondary way is poll -- is poll
3 worker activation if the Poll Pads are not
4 functioning as expected.

5 Q. All right. Grab Exhibit 19, please.

6 (Plaintiffs' Exhibit 19 was marked for
7 identification.)

8 THE WITNESS: Okay. I see it.

9 BY MR. CROSS:

10 Q. All right. So Exhibit 19, do you see
11 there's an email at the top from Cynthia Willingham
12 to Scott Tucker at Dominion and Chris Harvey and
13 Kevin Rayburn at the Secretary's office and then
14 cc'd to some others?

15 A. Yes, I see that.

16 Q. You see this is dated June 11, 2020?

17 A. Yes, sir.

18 Q. If you come down to the bottom, you'll see
19 Cynthia Willingham is the supervisor [audio
20 interruption] --

21 A. That's correct. I see that.

22 COURT REPORTER: Excuse me. It froze up
23 on my end. Can you repeat that? I have, "If
24 you come down to the bottom, you'll see Cynthia
25 Willingham is the supervisor" --

1 MR. CROSS: Yeah.

2 BY MR. CROSS:

3 Q. If you come down to the bottom, Cynthia
4 Willingham is indicated as the supervisor of
5 elections for Rockdale County Board of Elections;
6 right?

7 A. Yes, that's what I see.

8 Q. Is she still there in that role?

9 A. She is.

10 Q. Okay. And have you seen this email
11 before?

12 A. No, sir, I have not.

13 Q. Okay. If you come down, there's one
14 particular point I wanted to ask you about.

15 If you look at the top of the second page,
16 do you see where it begins "Election Night," with a
17 closed parentheses, and then it says "As Scott
18 knows..."?

19 A. Yes, I see that.

20 Q. And he or she writes, "As Scott knows,
21 during the scanning of the by mail ballots last
22 week, our Tech, purged the scanned ballots, not
23 once, but twice on two different days."

24 Do you see that?

25 A. I do.

1 Q. And this is sent on June 11, 2020, so two
2 days after the presidential primary; right?

3 A. Yes.

4 Q. Do you know why a Dominion tech would have
5 the ability to purge scanned ballots in the Dominion
6 election system?

7 A. The Dominion system, when you are loading
8 election results, when you are loading images
9 collected by the scanner, they are uploaded through
10 RTR and housed inside of the -- the file structure
11 of the elections project. And that's where they're
12 retained during the counting process, and then once
13 the election is completed and -- and certified,
14 those records stay in that possession.

15 Whenever you're in the elections project
16 and you're going through the process of counting
17 votes, there are times where you have loaded a file,
18 you've loaded a result file, but you may not have
19 loaded the images that are also paired with that
20 result file. And then you may be attempting to do
21 the adjudication process, and you've got to have
22 both of those things in place in order for the
23 adjudication application to operate, it has to have
24 the result file and it has to have the ballot
25 images.

1 If it doesn't have those things, then you
2 have to remove the uploaded result file or the
3 uploaded images and reload them in. And the
4 process -- one of the [audio interruption] use in
5 that process is called purging of results, and it is
6 a way of clearing out results from the system and
7 then making it ready for then uploading those --
8 that informational pieces back into the system for
9 tabulation.

10 Q. So are you suggesting that what the
11 election supervisor is complaining about here was
12 actually appropriate by the Dominion tech, it's what
13 they're supposed to do?

14 A. Again, I -- this is the first time I've
15 seen this email, so I don't really even know what
16 they are discussing at the time.

17 I am just speaking to the fact that if a
18 mistake was made in the process of uploading
19 information into RTR, that you do want to clear out
20 the mistake and then begin anew, making sure that
21 you are uploading things properly.

22 Q. I see.

23 But you don't understand why the Dominion
24 tech here purged the scanned ballots twice? You
25 don't know the reason in this particular instance;

1 is that right?

2 A. I do not know the reason in this
3 particular instance.

4 Q. All right. Grab -- what are we up to? I
5 think we're up to 20. Yeah. Grab Exhibit 20,
6 please.

7 (Plaintiffs' Exhibit 20 was marked for
8 identification.)

9 THE WITNESS: Okay. I'm looking at
10 No. 20.

11 BY MR. CROSS:

12 Q. And Exhibit 20, that's an email that you
13 sent to Scott Tucker on June 12, 2020; right?

14 A. It is.

15 Q. And if you come down to the bottom, the
16 first email on the bottom of the -- of the second
17 page, there's an email from Charlton Elections --
18 well, more precisely, it's an email from Brenda
19 Hodges, who's the supervisor of elections in
20 Charlton County, on June 12, 2020; right?

21 A. That is correct.

22 Q. And Brenda emails you and Chris Bellew;
23 right?

24 A. Yes. Yes, she does.

25 Q. And if you look at the third sentence of

1 her email, she puts "We have made corrections to the
2 Ballot ID's and all of those numbers are good, but
3 the NP votes are doing crazy things in that it is
4 adding the REP and DEM votes together for a Total
5 Votes Cast number and that is really throwing off
6 our numbers still. I am 915 votes over what it
7 should be."

8 Do you see that?

9 A. I do.

10 Q. And in this time frame, in June of 2020,
11 there were a number of complaints or concerns that
12 came in from counties where the vote cast number was
13 not consistent with the Election Night Reporting
14 tabulation; right?

15 MS. LaROSS: Objection as to form of the
16 question.

17 THE WITNESS: State the question again.

18 I'm sorry. It sort of broke up on me.

19 BY MR. CROSS:

20 Q. Yeah. Sorry.

21 Do you recall in this June 2020 time frame
22 that a number of counties alerted the Secretary's
23 office, including you, that their total votes cast
24 number was not the same as their ENR vote tallies?

25 A. I do recall that.

1 Q. And what was the reason for that? Was
2 there a particular reason that you recall? Was it a
3 variety of reasons?

4 A. In relation to Charlton County, I believe
5 the issue at hand here was they were actually
6 dealing with a dual database for the general
7 primary. They had an initial database generated,
8 and before election day an error was found in that
9 original database. I think it related to a county
10 commission race, that it didn't have a candidate it
11 needed to have or it had a -- something of that
12 nature. I think it was a local race.

13 And in order to resolve that, we actually
14 had to have a second election project generated and
15 provided to the jurisdiction for loading into their
16 election equipment.

17 But because they had already begun voting
18 on the initial project file, in that there were
19 races on ballots that were not impacted by the
20 error, they continued to collect ballots and votes
21 during the advance voting period in that initial
22 election project, and then on election day, they
23 were using the new election project that had been
24 corrected and the mistake corrected.

25 What they were doing at -- on postelection

1 time were trying to get the results from the initial
2 general primary ballot tabulated using the -- the
3 initial project file and then manually keying in the
4 results from that original election project file
5 into the corrected election project file so they
6 could -- they could generate a single consolidated
7 report, election summary report and statement of
8 votes cast report, that showed all votes collected
9 for the election, combining both of those two
10 project files to get a final result and also to
11 create an export file that would be then uploaded
12 into the Secretary of State's Election Night
13 Reporting System that would report all the votes
14 tabulated in the process.

15 And I -- I recall that when they were
16 going through this process of doing this manual
17 entry, it is a very arduous task to do. And they
18 were given -- given instructions by Dominion on how
19 to do this manual entry, and the instructions that
20 were given did not seem to be correct and that they
21 have -- they had to keep going back and correcting
22 mistakes that kept happening.

23 And then eventually they were able to get
24 a tech that was well versed on the manual entry
25 process actually to Charlton County to get the whole

1 process resolved and cleared.

2 Q. Was that the same problem other counties
3 ran into when their votes cast count did not match
4 their ENR tallies, or were there other issues that
5 arose?

6 A. There were a couple of instances of the
7 manual entry that took place. I can think of -- I
8 believe Charlton had to go through a manual entry
9 exercise. I believe Chatham County had to also go
10 through a manual entry exercise.

11 Those are the two that I remember. There
12 may have been a couple more. And so those are the
13 two that I can think of.

14 Q. Okay. All right. Grab Exhibit 21,
15 please.

16 (Plaintiffs' Exhibit 21 was marked for
17 identification.)

18 THE WITNESS: Okay. I'm looking at it.
19 BY MR. CROSS:

20 Q. Right. So Exhibit 21 is an email from
21 Chris Harvey to Ryan Germany on June 19, 2020;
22 right?

23 A. Yes.

24 Q. If you come down to the bottom, this is
25 another email from Brenda Hodges at Charlton County.

1 That's the first email in the thread.

2 Do you see that?

3 A. I'm getting there.

4 Q. Middle of the --

5 A. Yes, I see it.

6 Q. And that's June 19, 2020.

7 You see that; right?

8 A. I do.

9 Q. So this is again talking about how she
10 found a difference in the numbers when she was
11 trying to certify the results.

12 You see that in the second paragraph?

13 A. I'm reading it.

14 Q. And then she goes on "The Dominion
15 Regional Manager came earlier this week and finagled
16 with the Ballot ID's to get the number of votes cast
17 to be correct and in doing this some of my votes are
18 different."

19 Do you see that?

20 A. I do.

21 Q. Is this the process you were just talking
22 about with the manual entry or is this something
23 different, or do you know?

24 A. I think it's related to, but I'm not
25 100 percent certain.

1 Q. She then goes on in the next paragraph
2 "When I called the Regional Manager and told him
3 about the problem, he told me 'I don't have time to
4 worry about it right now and it doesn't matter
5 because he won.' This was in reference to the
6 Sheriff's race, but there are other races with
7 different vote totals. Needless to say that was
8 like throwing ice water in my face because" -- and
9 then she puts in all caps -- "because IT DOES
10 MATTER!!!!!! He was in Tattnall County trying to
11 help them get their numbers to work as well due to
12 [their] craziness with the Ballot ID's causing the
13 vote totals to be way over what they should be."

14 Do you see that?

15 A. I do.

16 Q. Did you get involved in this particular
17 situation? Have you seen this before?

18 A. I don't recall seeing this particular
19 email. Again, I was -- I was involved in relation
20 to their manual entry and at least made aware of the
21 manual entry operations that they were having to go
22 through in Charlton County. I don't have a
23 recollection of what she's discussing in regards to
24 the ballot IDs.

25 Q. The conversation she attributes to the

1 Dominion regional manager, who reportedly told her
2 that he didn't have time to worry about the
3 difference in the numbers she was seeing and it
4 didn't matter because the candidate had won the
5 sheriff's race, is that direction consistent with
6 what you would expect from Dominion?

7 A. I would hope that anybody involved in
8 elections would never say something of that nature.
9 It would be my hope and expectations that if a
10 county is having issues with their election and has
11 concerns about whatever their election results may
12 be, what they are indicating, that they would work
13 to get it resolved so that those questions are
14 answered.

15 Q. And you don't -- you don't know what was
16 done here because you hadn't seen this before; is
17 that right?

18 A. This one I do not recall and I do not
19 remember seeing.

20 Q. All right. Grab Exhibit 22, please.

21 (Plaintiffs' Exhibit 22 was marked for
22 identification.)

23 BY MR. CROSS:

24 Q. Just let me know when you have it.

25 A. Yeah, I've got -- I'm sorry. I've got it.

1 Q. Do you see Exhibit 22 at the top is an
2 email that you sent to -- the address is
3 clinchelections@clinchcounty on July 9, 2020?

4 A. Yes, sir.

5 Q. And you're responding to an email that
6 came in from -- it looks like Laina Ballance, the
7 Clinch County elections supervisor, on the same day.

8 Do you see that?

9 A. I do.

10 Q. And she wrote to you then "[REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]."

18 Do you see that?

19 A. I do.

20 Q. And you responded "[REDACTED]

21 [REDACTED]

22 [REDACTED]."

23 Do you see that?

24 A. I do.

25 Q. And -- and we had talked earlier -- I

1 thought you had testified that there was never a
2 time when you would tell a county that found broken
3 seals on BMDs to just replace the seals and continue
4 to use them.

5

6

A.

7

8

9 The election data seal is located on the
10 right-hand side of the device, on the top right-hand
11 side, and those are the seal areas that I had
12 mentioned earlier that are controlled by the county.

13 The seal on the left-hand side is not
14 noted as any type of poll worker location. That's
15 all on the right-hand side.

16 Q. Right. But aren't -- I guess help me
17 understand, then.

18 I mean, I -- I understand the ones on the
19 left are put on by the State; the ones on the right
20 are put on by the county. But isn't it still a
21 concern that they have got two BMDs that were
22 supposed to be securely stored and they have broken
23 seals at all?

24 A. Well, again, they're in the process of
25 doing L & A testing and discovered that two of them

1 had -- had broke seals when they were starting to do
2 L & A testing.

3 Well, it would be up to them to put the
4 seals on the devices at the end of L & A testing
5 when it says completed.

6 Q. Right. But why wouldn't you -- why
7 wouldn't you want to undertake some investigation to
8 figure out whether the seals are missing on these
9 two BMDs because somebody tampered with them?

10 A. Because this equipment is going through
11 logic and accuracy testing and she's referencing the
12 seals on the right side of the unit that would be
13 opened and resealed during logic and accuracy
14 testing.

15 Q. Right. But you understand that she's
16 saying that [REDACTED]

17 [REDACTED]
18 [REDACTED]; right?

19 MS. LaROSS: Objection as to form of the
20 question.

21 THE WITNESS: A normal practice is to
22 remove seals from devices to begin logic and
23 accuracy testing and then to place new seals
24 upon those devices at the completion of logic
25 and accuracy testing.

1 BY MR. CROSS:

2 Q. So are you saying that you read this email
3 to mean that an elections county -- an elections
4 supervisor for Clinch County emailed you to say that

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. That is how I interpret that email.

11 Q. Okay. Did you pick up the phone to call
12 her and find out if that's what she meant?

13 A. I do not recall doing that, no, sir.

14 Q. Well, sitting here reading it now, do you
15 think maybe what she actually meant was [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Did that reading ever occur to you?

19 MS. LaROSS: Objection to form of the
20 question.

21 THE WITNESS: That -- excuse me. That may
22 be the way I was reading it today as I read it.

23 And, again, I would still point to they
24 are going to go through a logic and accuracy
25 testing on this device to get some level of

1 assurance that the system is operational.

2 And also there's no mention to any seal
3 breakage on the left-hand side of the device,
4 which would be those seals that are placed
5 there by the State.

6 So at -- in reading this email, I don't
7 feel like any advice was given contrary to what
8 we would normally do.

9 BY MR. CROSS:

10 Q. Even if she meant that [REDACTED]

11 [REDACTED]
12 [REDACTED]; is that right?

13 A. Even so. Because when you start taking
14 equipment out of storage and bringing it forward to
15 do testing, there are times when seals break in that
16 process.

17 Q. And you don't think it would be a better
18 practice to actually investigate why the seals are
19 broken or missing before just putting new seals on
20 and putting the -- the equipment into an election?

21 MS. LaROSS: Objection to form of the
22 question.

23 THE WITNESS: Again, the equipment was in
24 the process of going through logic and accuracy
25 testing, so a level of testing was going to be

1 done on the equipment and was done on the
2 equipment before use.

3 BY MR. CROSS:

4 Q. And when you got back to Ms. Ballance, was
5 it your belief at this time that logic and accuracy
6 testing would detect malware or any other compromise
7 with the equipment?

8 A. It was my -- my understanding of the logic
9 and accuracy process is that they do a process of
10 validating the version that is installed on the
11 device, and that involves looking at a hash value of
12 that version.

13 And then they perform an operational test
14 to confirm that the system is producing the ballots
15 as intended and that the ballots are then scanned
16 and counted as reflective to what is on the ballot.
17 So they were executing their logic and accuracy
18 test.

19 Q. I'm sorry. Are you saying that the
20 hash-matching test we talked about earlier, you
21 consider that part of the logic and accuracy
22 testing?

23 A. That is, I believe, documented in the
24 logic and accuracy outline of how counties can
25 verify the hash that is installed on the BMD device.

1 Q. So when counties do their regular logic
2 and accuracy testing before an election, is it your
3 understanding that they're also matching the hash
4 values for the applications on there?

5 A. They are matching -- they have the ability
6 to view the hash signature of the ICX application.

7 Q. But is that required of them as standard
8 logic and accuracy testing?

9 A. It is -- my recollection of the logic and
10 accuracy procedures is it is -- it is outlined in
11 the procedures to review the hash.

12 Q. And when you sent this email on July 9,
13 2020, were you under the belief that logic and
14 accuracy testing, including the hash value match
15 that you've described, would detect malware or a
16 compromise with the equipment?

17 A. I can only speak to the fact that those
18 were the procedures that counties were taking to
19 complete their logic and accuracy testing.

20 Q. Right. But as of 2020, were you under the
21 belief that that testing would detect malware or
22 another compromise on the voting equipment?

23 MS. LaROSS: Object to the form of the
24 question.

25 THE WITNESS: Those were the tests that

1 are in place for counties to execute on their
2 equipment.

3 BY MR. CROSS:

4 Q. That's not my question, Mr. Barnes.

5 My question is: In 2020, were you under
6 the belief that the logic and accuracy testing that
7 you've described would detect malware or any other
8 compromise of the voting equipment in Georgia?

9 MS. LaROSS: Object to the form of the
10 question.

11 THE WITNESS: It was my belief that the
12 tests that the counties were undertaking would
13 give them some level of confidence that the
14 voting system was matching to what had been
15 certified for use by the State previously.

16 BY MR. CROSS:

17 Q. So is that a "yes" or a "no" to my
18 question?

19 A. That's a yes.

20 Q. All right. Grab Exhibit 23, please.

21 (Plaintiffs' Exhibit 23 was marked for
22 identification.)

23 BY MR. CROSS:

24 Q. Just let me know when you've got that.

25 A. I am looking at it.

1 Q. All right. And if you need time to read
2 through it, let me know.

3 But just to make sure we're looking at the
4 same thing, do you see at the top it's an email from
5 Richard Barron at Fulton County on August 4, 2020,
6 to Dwight Brower, Derrick Gilstrap, and Timothy
7 Cummings?

8 A. That is what I'm looking at.

9 Q. Okay. And then if you come down to the
10 bottom of the second page, you'll see that it starts
11 with an email from Rick Barron to Chris Harvey and
12 Blake Evans on August 3, 2020.

13 A. Yes, sir.

14 Q. And then if you look at the second --
15 well, show you the full context. Sorry. Back up.

16 You see "Subject" line "questions on new
17 proposed procedures" in Mr. Barron's email?

18 A. Where in -- where in relation on the
19 document?

20 Q. So if you come to the first email on the
21 thread, bottom of the second page, the subject line
22 Mr. Barron put was "questions on new proposed
23 procedures."

24 A. Yes.

25 Q. And "Importance" says "High."

1 Do you see that?

2 A. Yes.

3 Q. And then in his second paragraph, he
4 writes "The County wants us to have our techs meet
5 the poll manager at the polling place to ensure all
6 equipment powers up. They want us to break all
7 seals, power up the BMDs to ensure that all of the
8 circuits have enough juice to power those units
9 where they are plugged. They then, want us to
10 reseal everything for Tuesday morning." And then he
11 goes on to ask "Is all of this kosher and legal?"

12 Are you with me?

13 A. Yes.

14 Q. And then Mr. Harvey responds at the top of
15 the -- top half of the first page "I think that plan
16 is possible, depending on some details," and then he
17 quotes an SEB rule -- or actually multiple SEB
18 rules.

19 Do you see that?

20 A. I do.

21 Q. Were you involved with this situation at
22 all?

23 A. I was not.

24 Q. As the head of EC- -- sorry. Strike that.
25 As the head of CES, do you have any

1 understanding as to whether the procedure that
2 Mr. Barron identified here about breaking all the
3 seals, powering up the BMDs, and then resealing
4 everything, whether that complies with the -- the
5 standards in Georgia for election security?

6 MS. LaROSS: Objection as to form.

7 THE WITNESS: It is my assumption in
8 reading this that what Mr. Barron is
9 referencing in regards to breaking all the
10 seals is not physically breaking every single
11 seal that's present on the BMD, but breaking
12 the seal that allows you access to the power
13 button that allows you to power on the BMD and
14 then resealing that one location with a new
15 seal after the machine had been powered on.
16 That is my assumption, being that I just read
17 this email for the first time.

18 BY MR. CROSS:

19 Q. So you just -- you don't -- because you
20 haven't seen this before or dealt with it, you don't
21 know one way or the other what Mr. Barron was
22 referring to?

23 A. That is correct, I do not know.

24 Q. But if he was -- if he literally meant
25 breaking all the seals, that would not be the

1 appropriate procedure; right?

2 MS. LaROSS: Object as to form.

3 THE WITNESS: Correct. Breaking all the
4 seals -- poll workers are only supposed to be
5 opening one sealed compartment on the BMD, and
6 that is the lower right-hand side.

7 BY MR. CROSS:

8 Q. A poll worker should only be breaking a
9 single seal on a BMD on the lower right-hand side?

10 A. Correct. They have to open that seal the
11 morning of the election in order to power the device
12 on.

13 Once the device is powered on, they are
14 instructed to close that door and place a new seal
15 on that door and notate that seal that's placed on
16 their opening and closing poll worker -- excuse me,
17 opening and closing polling place recap form.

18 Q. Okay. All right. Let me grab the next
19 exhibit.

20 (Plaintiffs' Exhibit 24 was marked for
21 identification.)

22 BY MR. CROSS:

23 Q. All right. Grab Exhibit 24, please.

24 A. Sure.

25 Okay. I am looking at it.

1 Q. All right. So Exhibit 24, do you see the
2 top is an email from Merritt Beaver to Dave Hamilton
3 on August 24, 2020?

4 A. Yes.

5 Q. And at this time, Dave Hamilton was the
6 chief information and security officer for the
7 Secretary's office; right?

8 A. I believe that was his role, yes, sir.

9 Q. Do you know who fills that role today?

10 A. I am not 100 percent sure. There has been
11 some turnover in the SOS IT, so I do not know the
12 name of the individual that's currently holding that
13 position.

14 Q. Do you ever, in your work in CES, work
15 with a -- a vendor called Fortalice?

16 A. I have not worked with Fortalice. I know
17 that Fortalice is a company that the IT department
18 has used, I believe, for security assessment and
19 such of infrastructure that the SOS IT is involved
20 with.

21 Q. So you, yourself, have not had any
22 communications or meetings with Fortalice?

23 A. I have had one meeting with Fortalice, but
24 that was under guidance from our counsel. But that
25 is the only interaction I've ever had with

1 Fortalice.

2 Q. When you say a meeting with Fortalice
3 under guidance from your counsel, what do you mean?

4 A. I was asked to meet with Fortalice in
5 their offices in Washington, D.C., in -- at a
6 request of our attorneys in this case.

7 Q. When was --

8 MS. LaROSS: And, David, this is the --
9 connected to the document that the Court has
10 already ordered is subject to the attorney work
11 product privilege. So, you know, anything
12 about -- or substantively about that meeting or
13 connected in any way with that document is --
14 is privileged under the court order.

15 BY MR. CROSS:

16 Q. When was that meeting, Mr. Barnes?

17 A. I believe it was in 2019, I believe. I
18 think it was in maybe April of 2019, April or May, I
19 think.

20 Q. And without getting into the substance of
21 what was discussed, what was the -- what was your
22 understanding as to the purpose of that meeting?

23 MS. LaROSS: I -- I object and I'm going
24 to instruct him not to answer. I think that
25 does fall within the Court's order and the

1 privilege.

2 MR. CROSS: The purpose of the meeting --

3 MS. LaROSS: Yes.

4 MR. CROSS: -- is privileged?

5 MS. LaROSS: Yes.

6 MR. CROSS: We'll disagree on that.

7 BY MR. CROSS:

8 Q. Who was at that meeting?

9 A. My recollection was members of Fortalice
10 and myself.

11 Q. Anyone else?

12 A. My recollection, it was me and -- and
13 members of Fortalice.

14 Q. Were there any lawyers in that meeting?

15 A. I do not recall if we had a lawyer present
16 in the meeting room.

17 Q. And you -- you traveled up to D.C. for
18 that meeting; is that right?

19 A. I did.

20 Q. How long was that meeting?

21 A. It was one day.

22 Q. And did this concern the Dominion
23 equipment or the DRE equipment?

24 A. The DRE equipment.

25 Q. Did you ever participate in any meetings

1 with Dominion regarding the -- sorry. Strike that.

2 Did you ever participate in any meetings
3 with Fortalice regarding the Dominion equipment?

4 A. I have not.

5 Q. So this meeting that you had with
6 Fortalice regarding the DRE equipment, what was
7 discussed there?

8 MS. LaROSS: I object to the form of
9 the -- not the form of the question. I object;
10 I think it's privileged and within the scope of
11 the Court's order. So I'm going to instruct
12 him not to answer.

13 MR. CROSS: What's the basis of that?
14 The -- the Court's order regarded something
15 totally different.

16 MS. LaROSS: It's my understanding that
17 the Court's order pertains directly to this. I
18 may -- you and I may disagree on that.

19 MR. CROSS: But help me understand the
20 basis, though. The Court's order regarded
21 Dominion BMD equipment that Fortalice looked at
22 in November of 2019. It has nothing to do with
23 this. So what's the basis for the instruction?

24 MS. LaROSS: As I stated, it is -- I -- I
25 believe that it is within the Court order.

1 MR. CROSS: Okay. But can you help me
2 understand what the linkage is you're drawing?
3 You just don't know?

4 MS. LaROSS: I can -- let -- you can bring
5 up the order and we can discuss it, but that's
6 my understanding of the order.

7 MR. CROSS: Okay.

8 BY MR. CROSS:

9 Q. Mr. Barnes, are you going to decline to
10 answer questions about that meeting at the direction
11 of your counsel?

12 A. I am.

13 MR. CROSS: All right. We'll reserve on
14 that.

15 BY MR. CROSS:

16 Q. All right. Do you have an exhibit in
17 front of you?

18 A. 24?

19 Q. Yes.

20 A. Yes, sir.

21 Q. All right. So, again, we're looking at an
22 email from Merritt Beaver to Dave Hamilton
23 August 24, 2020; right?

24 A. Yes, sir.

25 Q. And if you come down, there's an email --

1 the first email in the thread is from Dave Hamilton
2 on August 21, 2020.

3 Do you see that?

4 A. Yes, sir.

5 Q. And he writes "[REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]."

12 Do you see that?

13 A. I do.

14 Q. Do you agree with Mr. Hamilton's
15 assessment, in your role as the head of CES, that

16 [REDACTED]

17 [REDACTED]?

18 A. It has been the custom of the Secretary of
19 State's office that if -- that we do not disclose
20 information that we feel like could be damaging to
21 the voting system.

22 And in this email, I don't know what
23 Mr. Hamilton is referencing or talking about in --
24 is this talking in reference to the voting system or
25 such? I don't know.

1 Q. And what kind of information could be
2 damaging to the election system if disclosed
3 publically?

4 A. Well, if you have complete, unfettered
5 access to the applications and have the ability to
6 go in and manipulate them at the code level, then
7 you may be able to make the system do something that
8 it's not supposed to do.

9 Q. What other kinds of information would be
10 damaging to the election system if publicly
11 disclosed?

12 MS. LaROSS: Objection to form of the
13 question.

14 THE WITNESS: Well, again, unfettered
15 access into the voter registration system gives
16 you access to -- which is a part of the voting
17 system -- is personal data information, date of
18 birth, driver's license numbers, information
19 that is contained in those voter files.

20 The voting system, the voter registration
21 system, are all components that our office work
22 to keep secure.

23 BY MR. CROSS:

24 Q. The -- the voting equipment in Georgia is
25 supposed to be kept in secure facilities across the

1 state; right?

2 A. It's supposed to be kept in
3 county-maintained locations with efforts to keep it
4 secure, yes, sir.

5 Q. So given that, why would you ever have to
6 worry about [REDACTED]? Why would you
7 ever have to worry about information being damaging
8 to the election system, since it's locked up?

9 MS. LaROSS: I object to the form of the
10 question.

11 THE WITNESS: Indi- -- individual voters
12 touch voting machines with every election.
13 People witness the tabulation of votes in
14 elections offices where equipment is out and in
15 full view of people. Those offices become
16 hectic on election night. There are a lot of
17 people around.

18 So keeping the system secure in relation
19 to physical access, but also keeping
20 information secured in relation to how systems
21 operate, is also important.

22 BY MR. CROSS:

23 Q. What's the -- you mentioned individual
24 voters touch voting machines at every election.

25 Why -- why does that matter, from a

1 security standpoint?

2 MS. LaROSS: Objection to form of the
3 question.

4 THE WITNESS: Voters interact with
5 devices. That means they touch devices. They
6 touch these devices under the purview of poll
7 workers. They touch these devices under the
8 purview of other voters at the same time.

9 We're doing everything we can do to make
10 sure that when a voter is interacting with that
11 system, that they have no way of interacting
12 with the system to introduce anything
13 nefarious.

14 That is the reason that we put seals in
15 places. That is the reason that we have poll
16 watchers that are watching things. That is the
17 reason that we have poll workers who are
18 watching things constantly, is to make sure
19 that when there is added activity of voters, of
20 individuals in the polling place, when people
21 are in the process of doing logic and accuracy
22 testing, that all of these protocols, these
23 procedures, are maintained and in place to try
24 to protect and keep the voting system safe.

25

1 BY MR. CROSS:

2 Q. And the security of that system depends,
3 in large part, on being able to trust all the
4 individuals who have access to it; right?

5 A. That is correct, we have a level of trust
6 with those people that work in the elections
7 environment.

8 Q. Except the Secretary of State has
9 repeatedly argued in our case that they cannot be
10 trusted with hand-marked paper ballots.

11 How do you reconcile those two positions?

12 MS. LaROSS: I object to the form of the
13 question.

14 THE WITNESS: Policymakers are going to
15 make decisions on how tasks are executed. And
16 the legislative body of the State of Georgia
17 has instituted that we have this system in
18 place, and that's the system that we use.

19 BY MR. CROSS:

20 Q. Well, that's not quite right.

21 The legislature in Georgia did not require
22 a BMD-based system that uses QR codes; right?

23 MS. LaROSS: Object to the form of the
24 question.

25 THE WITNESS: The -- the legislature

1 passed a resolution indicating that the State
2 would have a uniform system of voting, and
3 protocols have been put in place for that
4 system to be a BMD design.

5 And then the Secretary of State put out a
6 bid for a BMD-based voting system, and that bid
7 was answered by vendors. Those responses were
8 reviewed. The procurement process isolated the
9 system that we have, and that is the system
10 that we are using.

11 BY MR. CROSS:

12 Q. The answer to my question is "yes"; right?
13 The legislature in Georgia did not require a BMD
14 system that uses QR codes.

15 We're agreed on that; right, sir?

16 MS. LaROSS: I object to the form of the
17 question.

18 THE WITNESS: The legislature did not put
19 into the code a BMD device with QR code, that
20 is correct.

21 BY MR. CROSS:

22 Q. That's a decision that the Secretary,
23 Secretary Raffensperger, made; right?

24 MS. LaROSS: Objection to form of the
25 question.

1 THE WITNESS: The RFP process, through
2 evaluation of proposals, selected a BMD system
3 that uses a QR code.

4 BY MR. CROSS:

5 Q. So coming back to the question I asked you
6 a moment ago that I don't -- I don't think you
7 actually answered, how do you reconcile the position
8 that you have an election system the security of
9 which depends, in large part, on trusting everyone
10 who has access to it with the position repeatedly
11 taken by Secretary Raffensperger that those people
12 cannot be trusted with access to hand-marked paper
13 ballots?

14 MS. LaROSS: Object to the form of the
15 question.

16 THE WITNESS: I -- excuse me. I'm a
17 member of the Secretary of State's office, and
18 my job is to work hand in hand with county
19 election officials that are -- that have the
20 task of executing elections.

21 So from my point of view and from my -- I
22 reconcile in my mind that our job is to work to
23 empower and enable those county election
24 officials to do the best job that they can.

25 Again, policymakers, who are -- who are

1 above me, may have differing opinions on what
2 counties can do and what counties can't do.
3 And those decisions they will be held
4 accountable for by the voters.

5 So my job, I will continue to work with
6 county election officials and do the best I can
7 to help support them.

8 BY MR. CROSS:

9 Q. And you said policymakers can be held
10 accountable by the voters. In fact, the Georgia
11 Republican party has made explicit in its platform
12 calling for hand-marked paper ballots in the State
13 of Georgia.

14 Are you aware of that?

15 MS. LaROSS: I object to the form of the
16 question.

17 THE WITNESS: I believe I'm aware of that,
18 but I'm -- I haven't read that recently. But I
19 believe that is the case.

20 BY MR. CROSS:

21 Q. And do you have a personal view on the
22 reliability of hand-marked paper ballots as a voting
23 system for Georgians?

24 MS. LaROSS: I object to the form of the
25 question.

1 THE WITNESS: Election vendors have
2 designed a various litany of voting systems.
3 Some are -- some use nothing but hand-marked
4 paper ballots that go through scanners. Some
5 use a combination of BMD-generated ballots with
6 and without bar code. Some are old optical
7 scan systems. And there are still
8 jurisdictions that are using old lever machines
9 that haven't been produced in a long time.
10 Some jurisdictions are using paper ballots that
11 are hand-counted. Each jurisdiction, each
12 state, and in some cases each county, makes the
13 determination of what equipment they use.

14 I once did research trying to figure out
15 how reliable optical scan ballots were in
16 relation to undervotes. I undertook that in
17 2001, early 2002, and found that optical scan
18 systems at that time had a high level of
19 undervote capture.

20 Now, systems have improved since then, and
21 if policymakers make a decision that the State
22 of Georgia needs to transition away from its
23 current system into a different system, we'll
24 be ready to help implement that system and keep
25 moving forward.

1 BY MR. CROSS:

2 Q. Mr. Barnes, let me come back to the
3 question I asked you.

4 Do you have a personal view --
5 irrespective of what any jurisdiction is doing
6 around the country, as someone who's been working
7 with elections for two decades, do you have a
8 personal view on whether hand-marked paper ballots
9 are a reliable method of voting?

10 MS. LaROSS: I object to the form of the
11 question.

12 THE WITNESS: I think any system that
13 jurisdictions use, whether it's a BMD system
14 that's been through federal testing and state
15 testing, whether it's an optical scan system
16 that's been through federal testing and state
17 certification testing, a hand-marked paper
18 ballot system that's been through levels of
19 testing, I believe all of those voting systems
20 are reliable for use by whatever jurisdiction
21 chooses to use them.

22 BY MR. CROSS:

23 Q. In fact, Georgia does currently process
24 millions of hand-marked paper ballots through its
25 absentee voting system; right?

1 A. It does.

2 Q. And you certainly would not suggest
3 there's anything unreliable about that system;
4 right?

5 A. I would not suggest that. I believe it is
6 very reliable.

7 Q. Are you aware that the current Dominion
8 system can process, scan, tabulate hand-marked paper
9 ballots at the precincts on election day?

10 MS. LaROSS: Objection as to form of the
11 question.

12 THE WITNESS: The -- the ICP scanner that
13 is sent out to a polling location on election
14 day has the ability to process either a
15 hand-marked paper ballot or a BMD-generated
16 ballot.

17 BY MR. CROSS:

18 Q. Are you aware that BM- -- sorry. Strike
19 that.

20 Are you aware that Georgia is the only
21 state in the country that uses BMDs as the primary
22 means of voting statewide?

23 MS. LaROSS: I object to the form of the
24 question.

25 THE WITNESS: I am not certain on that.

1 BY MR. CROSS:

2 Q. Would it surprise you to learn that that's
3 true?

4 MS. LaROSS: Object to the form of the
5 question.

6 THE WITNESS: I -- I don't -- I don't know
7 if it would surprise me or not. I know that
8 Georgia has been using an electronic form of
9 voting for almost 20 years now, that there were
10 states that instituted electronic forms and
11 have now transitioned back to hand-marked paper
12 ballots or optical scan ballots, and
13 continue -- and there are jurisdictions that
14 continue to assess and adopt new systems.

15 BY MR. CROSS:

16 Q. Are you aware that scanners now have
17 developed to the point that they can flag under- and
18 overvotes on hand-marked paper ballots at the point
19 at which the voter scans the ballot so that the
20 voter can then go back and indicate whether they
21 intended that or not?

22 A. I am.

23 MS. LaROSS: Objection as to form.

24 THE WITNESS: Excuse me.

25 I am.

1 BY MR. CROSS:

2 Q. And are you aware of whether the current
3 Dominion scanners have that capability in Georgia?

4 A. I am aware, and they do.

5 Q. Do you know if that's turned on?

6 A. The system currently is configured to
7 reject overvotes, so any overvote that's introduced
8 into the scanner is flagged and sent back to the
9 voter.

10 An undervoted ballot is not rejected,
11 because the voter has the right to undervote a
12 ballot.

13 Q. So one question on terminology.

14 In the emails that I've seen, sometimes
15 there's discussion of "tabulator," as distinct from
16 "BMD."

17 What's the tabulator?

18 A. Okay. A tabulator -- the way I reference
19 it, a tabulator is a device that counts ballots.

20 Q. So that would be --

21 A. There are three -- there are three types
22 of tabulator in our election project.

23 There is -- a BMD is a classification of
24 tabulator. It does not tabulate votes, but it does
25 count the number of ballots it produces.

1 An ICP, which is a polling place scanner,
2 is a tabulator. It counts votes, it counts every
3 ballot that's scanned, but it also tabulates a
4 result from that scanned ballot.

5 And then the ICC, the central scanner, is
6 a tabulator. It counts ballots as ballots are
7 passed through in the scanning process, but it also
8 tabulates the result from those scanned ballots.

9 Q. Got it. Okay. Thank you.

10 All right. Let me pull up the next
11 exhibit.

12 (Plaintiffs' Exhibit 25 was marked for
13 identification.)

14 BY MR. CROSS:

15 Q. All right. Grab Exhibit 25, if you would.

16 MR. CROSS: Are you doing all right,
17 Mr. Barnes?

18 THE WITNESS: Yeah, I'm hanging in there
19 with you right now.

20 MR. CROSS: Okay.

21 THE WITNESS: And you said 25?

22 BY MR. CROSS:

23 Q. Yes, sir.

24 A. Okay. I am on -- I've got it open.

25 Q. Okay. Do you see Exhibit 25 is an email

1 from Blake Evans to Gabriel Sterling and Chris
2 Harvey on September 10, 2020?

3 A. Yes.

4 Q. Okay. And if you come down -- let's see.

5 If you come down, the email immediately below is an
6 email from Gabe Sterling forwarding on an email from
7 Rick Barron on September 10, 2020.

8 Do you see that?

9 A. I do.

10 Q. And Mr. Barron's email has the subject
11 line "[REDACTED]."

12 Do you see that?

13 A. I do.

14 Q. And then if you come down to the
15 second-to-last paragraphs -- it's the top half of
16 the second page just above where Rick signs off
17 "[REDACTED]" -- do you see the paragraph that
18 begins "[REDACTED]...?"

19 A. I do.

20 Q. And here, Mr. Barron writes to

21 Mr. Sterling "[REDACTED]"

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]."

2 Do you see that?

3 A. I do.

4 MS. LaROSS: David, I did have a question.
5 I'm sorry to interrupt, but this is a document
6 that's been marked AEO, so this ought to be a
7 confidential portion of the deposition, all
8 questions about this document.

9 MR. CROSS: Okay. Understood.

10 MS. LaROSS: Thank you.

11 MR. CROSS: And we don't understand why
12 it's AEO, but we -- we'll just reserve on that.
13 I understand your -- your position.

14 MS. LaROSS: Thank you.

15 BY MR. CROSS:

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED] [REDACTED]

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18 [REDACTED]

19 [REDACTED]

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21 [REDACTED]

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Q. All right. Let me grab the next one.

7

(Plaintiffs' Exhibit 26 was marked for

8

identification.)

9

BY MR. CROSS:

10

Q. Just let me know when you've got that.

11

A. Okay. Sorry. I'm refreshing.

12

Q. Okay. I think it's 26.

13

A. Okay. I've got it open.

14

Q. All right. So at the top, this is an

15

email from Scott Tucker to you that you received on

16

September 29, 2020; right?

17

A. Yes.

18

Q. And it begins with an email that

19

Mr. Tucker sent you on the same date.

20

Do you see that at the bottom?

21

A. I am looking at it now.

22

Q. And Mr. Tucker wrote "You have received

23

access to a DVS File Share from Scott Tucker."

24

Do you see that?

25

A. I do.

1 Q. And below, he writes "Michael, here are
2 the instructions for updating the software on the
3 ICX."

4 Do you see that?

5 A. I do.

6 Q. And do I understand correctly that this
7 was instructions involving the software change on
8 the BMDs we talked about earlier that Pro V&V
9 characterized as de minimis?

10 A. Yes.

11 Q. And then you write back "My password is
12 not accessing the link."

13 Do you see that?

14 A. I do.

15 Q. And he writes "Try the standard sos
16 password."

17 Is there -- is there a -- what does he
18 mean by "standard Secretary of State password"?

19 A. I'd have to recall what we were putting in
20 place there now. There -- when we first build an
21 Election Management -- or when Dominion were putting
22 together the initial Election Management computers,
23 there was a -- a -- a starting point username and
24 password that we use on that system. But then once
25 it was assigned to an individual county, then that

1 county had an updated password assigned to that
2 administrative sign-in point.

3 So my assumption here is that he's talking
4 about that password that we use just on the initial
5 structure of the file, before it is then replaced by
6 individual and county passwords.

7 Q. So that standard password was still in use
8 at this time; right?

9 A. Well, again, when we build individual
10 projects or build -- build out the server for a
11 county, it was -- had a password that we assigned to
12 it during its setup and testing phase.

13 And then after it has been completed and
14 tested and we knew where it was going to be assigned
15 at the county, once it was assigned at the county,
16 that password was updated with a new county-specific
17 password.

18 Q. Did the standard password work for you
19 here? There's no follow-up email from you that's --

20 A. I -- you know, I don't recall.

21 Q. Do you have any reason to believe it
22 didn't?

23 A. I -- I don't know. I can't remember. I
24 mean, I know we got the file from that
25 Dominion-controlled site, but I can't recall if that

1 password or a different password was used to access
2 it. I do not know.

3 Q. And one other question about -- I forgot
4 to ask earlier on this change in the BMD software in
5 September, October of 2020.

6 It went from Democracy version ending in
7 .30 to .32. Was there a .31, or did they skip that?

8 A. I don't know if there was a .31. We were
9 only provided .32.

10 Q. And you were originally using .30; is that
11 right?

12 A. That is correct.

13 Q. Does the Secretary's office provide any
14 requirements for the counties on instructions for
15 voters on the importance of reviewing their BMD
16 ballots?

17 MS. LaROSS: Objection to form of the
18 question.

19 THE WITNESS: The Secretary of State's
20 office, you know, educated counties that when
21 they're training their poll workers, their poll
22 workers that are stationed near the ICPs should
23 be instructing voters to please review their
24 ballot, make sure it is correct before entering
25 it into the scanner.

1 Did the Secretary of State's -- has the
2 Secretary of State's office written a document
3 outlining those procedures? I would have to
4 check. I am not sure.

5 BY MR. CROSS:

6 Q. Based on your experience with this system
7 and with elections over the years, is it important
8 for voters to review their BMD ballots?

9 A. I think it's important for a voter to
10 always review their ballot, whether it was on a DRE
11 before they hit "Cast," whether it's been printed
12 from a BMD and before it's inserted into a scanner.
13 If they were filling out a paper ballot, before they
14 return it to the elections office, they should
15 always double-check it.

16 Do I have reason to believe that if it's
17 not correct, the system is going to do something
18 nefarious? No. If it's not -- if it's something
19 that the system is not expecting to receive, it's
20 not going to take it.

21 Q. Well, if the ballot has a QR code that is
22 of the type that the scanner is designed to
23 tabulate, but it -- it captures different selections
24 than the voter intended and actually casts on the
25 BMD, the scanner's not going to kick that out;

1 right?

2 MR. CROSS: Shoot. He's freezed.

3 COURT REPORTER: Yeah, I don't hear
4 anything.

5 VIDEOGRAPHER: Yeah.

6 MR. CROSS: I think we lost --

7 VIDEOGRAPHER: Would you like to go off
8 the record?

9 MR. CROSS: It's funny, we can see Diane,
10 but Michael's gone.

11 MS. LaROSS: I think Michael's screen
12 froze.

13 MR. CROSS: Oh.

14 VIDEOGRAPHER: Would you like to go off
15 the record, Counsel?

16 MR. CROSS: Yeah.

17 VIDEOGRAPHER: The time is 4:39 p.m.
18 We're off the record.

19 (Off the record.)

20 VIDEOGRAPHER: The time is 4:42 p.m.
21 We're on the record.

22 MR. CROSS: So, sorry, let me get back to
23 where I was.

24 Did I really say "he's freezed"? That's
25 terrible. That's terrible. That's what I

1 said. Okay. I wish I got an errata. That's
2 embarrassing.

3 BY MR. CROSS:

4 Q. Okay. All right. So the question I was
5 asking you, Mr. Barnes, was: If the ballot has a QR
6 code that is of the type that the scanner is
7 designed to tabulate, but it captures different
8 selections than the voter actually cast on the BMD,
9 the scanner would still -- would still tabulate
10 that; right?

11 MS. LaROSS: Object to the form of the
12 question.

13 THE WITNESS: The scanner is designed to
14 tabulate what is contained within the QR code.

15 BY MR. CROSS:

16 Q. Based on your experience with elections
17 over the years and what you know about the current
18 environment of -- of threats -- sophisticated
19 threats to U.S. elections, would you personally be
20 more comfortable with an election system that does
21 not use QR codes, where voters can actually read
22 what's going to get tabulated?

23 MS. LaROSS: I object to the form of the
24 question.

25 THE WITNESS: What I can speak to is I do

1 have confidence, and continue to have
2 confidence, in the voting system that we have,
3 which just uses a QR code to interpret the
4 intent of the voter.

5 But in our use of the voting system,
6 through testing, continued testing, through
7 federal testing, state testing, logic and
8 accuracy testing, postelection audits that are
9 done, that what is -- the hand count that was
10 redone of all the voting ballots generated by
11 BMDs in the November '20 election that
12 correlated what the QR code had calculated
13 versus what the eyes read on the ballot from
14 the text format, I have a high level of
15 confidence that the voting system that we use,
16 which does have a QR code, is showing accurate
17 intent of the voter.

18 BY MR. CROSS:

19 Q. All right. Well, I want to break that
20 down into some pieces, but first let me come back to
21 the question I asked you, which is: Would you
22 personally prefer a system that does not tabulate a
23 QR code, but instead tabulates human-readable text
24 where voters know that what's going to get tabulated
25 is what they, themselves, can read?

1 MS. LaROSS: Object to the form of the
2 question.

3 THE WITNESS: Vendors are going to
4 generate voting systems based upon the demand
5 of the marketplace.

6 And at the time, at the time that the
7 State of Georgia was in the marketplace looking
8 for a voting system, the procurement process
9 gave us the system that we have, which I do
10 have confidence in.

11 The State of Georgia will make a decision
12 moving forward in the future on whether to
13 maintain the system as we have or to transition
14 to other systems. There is some discussion of
15 transitioning to hand-marked paper ballots
16 or -- that may be hand counted, that may be
17 processed through scanners, and the
18 policymakers in place will make the decision
19 that they feel is best for the State of
20 Georgia. I'm not in a position to where I can
21 make that decision on what the system will be.

22 I have confidence in hand-marked paper
23 ballot systems that are procured -- that
24 vendors are putting forth; I have confidence in
25 electronic systems that vendors are putting

1 forth. I feel like the vendor community is
2 doing a good job of putting products out there
3 and giving options to counties and states on
4 what to select.

5 BY MR. CROSS:

6 Q. Mr. Barnes, let me try it again.

7 Yes or no, do you have a personal
8 preference -- do -- would you personally feel more
9 comfortable casting a ballot in Georgia elections
10 where the -- where the portion that's getting
11 tabulated is what you, yourself, can read? Just yes
12 or no?

13 MS. LaROSS: Objection to form of the
14 question.

15 THE WITNESS: I support the voting system
16 that we have today. I like the QR code from a
17 reliability standpoint, that when a computer is
18 reading something, it reads that code, it
19 interprets it, and it translates what is in
20 that code. And I feel confident that what's in
21 that code is what the voter has intended to be
22 placed in that code.

23 BY MR. CROSS:

24 Q. But you've already said that you have no
25 doubts about the reliability of the system scanning

1 human -- I'm sorry -- scanning hand-marked paper
2 ballots; right?

3 MS. LaROSS: I object to the form of the
4 question.

5 THE WITNESS: Yes, I have confidence that
6 our system is scanning hand-marked paper
7 ballots properly and reflecting the intent of
8 the voter.

9 We have a system that actually gives us
10 both options and we are currently using both
11 options, and I have confidence in both options.

12 BY MR. CROSS:

13 Q. Well, under the -- under the new Georgia
14 statute, it's not as easy to vote absentee as it
15 used to be; right?

16 MS. LaROSS: Objection to the form of the
17 question.

18 THE WITNESS: There have been changes to
19 the election statute in Georgia in reference to
20 when absentee ballots -- the length of time
21 absentee ballots can be issued prior to an
22 election, the amount -- how those absentee
23 ballots are returned to the county elections
24 office for tabulation purposes. There have
25 been changes to the election statute, yes.

1 BY MR. CROSS:

2 Q. You said at the time that this system was
3 selected -- let me just get what you said, because I
4 want to make sure I get it right.

5 You said "...at the time that the State of
6 Georgia was in the marketplace looking for a voting
7 system, the procurement process gave us the system
8 that we have..."; right?

9 A. Yes, sir.

10 Q. Were you aware that before the Secretary's
11 office announced that it was adopting this BMD
12 system, the Secretary's own election security
13 expert, Michael Shamos, testified that you should
14 not use QR codes in election systems?

15 MS. LaROSS: I object to the form of the
16 question.

17 THE WITNESS: I am not aware of that.

18 BY MR. CROSS:

19 Q. And you also testified that demand is a
20 significant driver of the types of election systems
21 that are produced by vendors; right?

22 A. I believe so, yes.

23 Q. And as the head of CES for Georgia, you
24 actually play a pretty meaningful role in -- in
25 shaping that demand; right?

1 MS. LaROSS: Objection to the form of the
2 question.

3 THE WITNESS: My role at CES is to become
4 a high-level user of the voting system that the
5 State of Georgia has selected for use, whatever
6 that system may be.

7 BY MR. CROSS:

8 Q. Are you familiar with the SAFE Commission?

9 A. I believe that was a commission that the
10 Secretary of State instituted, yes.

11 Q. And, in fact, Governor Kemp, when he was
12 the Secretary of State, created the SAFE Commission
13 to advise on what the next election system should
14 be; right?

15 A. I believe that is true, yes.

16 Q. And are you familiar with Professor
17 Wenke Lee.

18 A. I remember meeting Professor Lee, yes.

19 Q. In what context did you meet Dr. Lee?

20 A. I believe I met him at one of the
21 commission meetings.

22 Q. And did you talk with him about his views?

23 A. Not directly one-on-one, no, sir.

24 Q. Did you share any personal views of your
25 own with him or anyone on the SAFE Commission about

1 the election system?

2 MS. LaROSS: Objection as to form.

3 THE WITNESS: My recollection of
4 interaction with the SAFE Commission is I
5 attended one meeting of the SAFE Commission. I
6 think I attended a meeting that they had in
7 Savannah. But that was my interaction with the
8 SAFE Commission.

9 BY MR. CROSS:

10 Q. Do you recall that Dr. Wenke Lee was the
11 only cybersecurity expert who served on the
12 SAFE Commission, and he was hand-selected by
13 Governor Kemp?

14 A. I believe that to be the case.

15 Q. And are you aware that --

16 COURT REPORTER: Excuse me. I -- excuse
17 me. I'm sorry. I have an emergency. Just
18 give me one second. Sorry.

19 VIDEOGRAPHER: The time is 4:51 p.m.
20 We're off the record.

21 (Off the record.)

22 VIDEOGRAPHER: The time is 4:52 p.m.
23 We're on the record.

24 BY MR. CROSS:

25 Q. Sorry. I think you answered this yes, but

1 I'm not sure she got it, so let me just ask the
2 question again, Mr. Barnes.

3 Do you recall that Dr. Wenke Lee was the
4 only cybersecurity expert on the SAFE Commission,
5 and he was selected by then-Secretary Kemp?

6 MS. LaROSS: I object to the form of the
7 question.

8 THE WITNESS: Yes, that's my recollection.

9 BY MR. CROSS:

10 Q. Were you aware that Dr. Wenke Lee objected
11 to using BMDs in the State of Georgia and
12 specifically urged the adoption of hand-marked paper
13 ballots?

14 MS. LaROSS: Object to the form of the
15 question.

16 THE WITNESS: I seem to recall that
17 Dr. Lee wrote a -- I'll phrase it as a
18 dissenting opinion of what the -- what the
19 SAFE Commission found -- issued.

20 BY MR. CROSS:

21 Q. And in particular, his opinion was that in
22 the current environment of threats to U.S.
23 elections, BMDs are not sufficiently secure and,
24 instead, hand-marked paper ballots should be used;
25 right?

1 MS. LaROSS: Objection as to form.

2 THE WITNESS: I believe that's what he
3 stated.

4 BY MR. CROSS:

5 Q. I just want to make sure we all understand
6 where we are.

7 Georgia has an election system that the
8 sole cybersecurity expert on the SAFE Commission
9 objected to; Dr. Michael Shamos, who was the
10 election security expert in this case for the
11 Secretary, objected to; and that the current
12 election security expert for the State, Dr. Juan
13 Gilbert, has said he doesn't disagree with any of
14 the technical vulnerabilities Dr. Halderman has
15 found.

16 And just so I understand, you feel, as the
17 head of CES, in light of all that, this is a system
18 that voters should have confidence in; is that
19 right?

20 MS. LaROSS: Object to the form of the
21 question.

22 THE WITNESS: I feel like through the use
23 of this voting system, that the voting system
24 proved itself in the November 2020 election,
25 where the ballots were not only counted once by

1 the scanners that were used in the polling
2 locations with the ballots that were produced
3 from the BMDs, but counted by hand using the
4 text format on the ballot, came to the same
5 result as the scanners were count -- counted,
6 and then, thirdly, were counted a third time
7 using the central scanners and tabulated a
8 result that again was in line with what was
9 found in the previous two counts.

10 So I feel like the voting system in
11 Georgia is a reliable, trustworthy voting
12 system. There will be others that do not agree
13 with that opinion, but I feel like we do have a
14 safe and secure voting system in Georgia.

15 BY MR. CROSS:

16 Q. It doesn't concern you, as the head of
17 CES, that there's not a single election security
18 expert that has endorsed this system on the behalf
19 of the Secretary, literally not one?

20 MS. LaROSS: I object to the form of the
21 question.

22 THE WITNESS: We always want to have
23 people that like the things that we do, and we
24 feel like we have done an extremely good job of
25 instituting a new voting system, making sure

1 that it's accessible to our voters, and that it
2 is reflective of what the voters wish to purvey
3 to the State when an election takes place.

4 BY MR. CROSS:

5 Q. Can you identify one cybersecurity
6 election expert that has endorsed the current
7 Georgia system as a reliable voting system?

8 A. I cannot.

9 Q. Is voter confidence in that system
10 important?

11 A. Voter confidence in all that we do as the
12 elections divisions important. It's important that
13 they have confidence in the people that run
14 elections. It's important that they have confidence
15 in the systems that we use. It's important that
16 they have confidence in the voter registration
17 system.

18 And we work day in and day out doing what
19 we can to secure the system that we have.

20 Q. But if you're confident that the system is
21 secure, particularly in an environment now where
22 there have been extraordinary claims made about the
23 reliability of that system, why not just have an
24 election security expert analyze it, examine it, and
25 offer an opinion on whether it's reliable?

1 MS. LaROSS: I object to the form of the
2 question.

3 THE WITNESS: I'm sure if the
4 Secretary of State decided that he wanted to do
5 that, that that would get done.

6 BY MR. CROSS:

7 Q. And as you sit here, you don't know why
8 he's not decided that; right?

9 MS. LaROSS: I object to the form of the
10 question.

11 THE WITNESS: I do not.

12 BY MR. CROSS:

13 Q. Do you think voters would have more
14 confidence in a system that did not use QR codes,
15 where what was getting tabulated, they could
16 actually read for themselves?

17 MS. LaROSS: I object to the form of the
18 question.

19 THE WITNESS: I don't know. Voters have
20 confidence in systems, and it seems like in
21 today's environment, voters only have
22 confidence in systems that -- where the people
23 that they supported in the election won and
24 they don't have -- they don't have good
25 confidence in systems when their candidate of

1 choice doesn't win.

2 So the -- the world of elections is -- is
3 continually under -- under a lot of stress and
4 strain as we try to do the work that we can to
5 allow voters their voice on the direction of
6 the country, of the state, and of their
7 counties.

8 BY MR. CROSS:

9 Q. Mr. Barnes, we'd certainly agree that we
10 find ourselves in a pretty sad condition on how some
11 voters view the election system, but doesn't that --

12 MS. LaROSS: Object --

13 BY MR. CROSS:

14 Q. -- why doesn't that raise all the more for
15 the Secretary to bring someone in and do a robust
16 examination of this system and say, "I've looked at
17 it and I have reasonable confidence that it's not
18 compromised, it's reliable, and you can trust it"?

19 MS. LaROSS: I object to the form of the
20 question.

21 THE WITNESS: Well, before the system was
22 ever procured by the State, it went through a
23 federal testing lab for inspection against and
24 validation with the federal voting standards
25 for voting equipment. So we had some level of

1 confidence even before procurement that the
2 voting system in place is operational and
3 secure and functioning properly.

4 Whatever the Secretary of State chooses to
5 do from this point forward on how to analyze
6 the voting system, whether it be this voting
7 system, whether it be a different voting
8 system, I'm sure that task will get executed
9 and -- and done thoroughly and to the desire of
10 the Secretary of State whenever he, she, or
11 whomever makes that decision.

12 BY MR. CROSS:

13 Q. All right. And then just finally,
14 Mr. Barnes, you mentioned the audit a few times as
15 validating the reliability of the election system,
16 but I want -- I want to make sure we understand the
17 audit.

18 The audit that was done on the
19 November 2020 presidential election at most
20 validated the results of that election, not any
21 individual vote that was cast.

22 You understand that; right?

23 MS. LaROSS: Object to the form of the
24 question.

25 THE WITNESS: The -- the ballot -- the

1 ballots, both hand-marked paper ballots and
2 BMD-generated ballots, were put through
3 scanners the first time they were counted and a
4 result was obtained.

5 They -- the State then undertook the task
6 of doing a hand count of those ballots, both
7 hand-marked paper ballots and BMD-generated
8 ballots. In the BMD-generated ballots, they
9 read the text that was on the ballot to confirm
10 whether that was a vote for President Biden or
11 for then-President Trump.

12 And the calculations of both of those
13 exercises resulted in the same result. They
14 didn't come back with the exact same totals,
15 which is normally the case when you're
16 recounting paper, whether it's hand-marked
17 paper ballots or BMD-generated ballots, because
18 it's a hand process versus an electronic or
19 computer-driven scanning process.

20 So we have reason to believe that what was
21 placed into the machine by the voter, then
22 generated by the BMD, was then accurately
23 reflected by the BMD printout not only in text,
24 but also in QR code.

25

1 BY MR. CROSS:

2 Q. You understand that during the audit that
3 you've just talked about, there was never any effort
4 made when reading the human-readable portion of a
5 particular ballot to see whether the QR code on that
6 ballot captured the same selections? Are you aware
7 of that?

8 MS. LaROSS: Objection to form of the
9 question.

10 THE WITNESS: I am aware that during the
11 audit, that they focused on the text on the
12 ballot solely, that they were not correlating
13 back the text to the QR code at the time.

14 BY MR. CROSS:

15 Q. So the ballot would -- sorry. Strike
16 that.

17 The audit that we're talking about would
18 not catch a situation where the human-readable text
19 had different selections than the QR code on a
20 particular ballot. That would not be captured;
21 right?

22 A. It's my understanding that the audit that
23 they undertook was solely looking at the text and
24 were not engaging the QR code at that time.

25 Q. Do you know why a decision was made not to

1 conduct at least some reliable statistical sampling
2 of ballots to compare the QR codes to the
3 human-readable text to make sure that they actually
4 correspond?

5 MS. LaROSS: Objection to the form of the
6 question.

7 THE WITNESS: I was not privy to the
8 discussions outlining how the audit was going
9 to be performed, so I don't know if those -- if
10 those discussions were discussed or not.

11 BY MR. CROSS:

12 Q. If you wanted to know, who would you ask?

13 A. I believe the people that were involved in
14 that discussion at the time, I believe Kevin
15 Rayburn, who was the deputy general counsel for the
16 Secretary of State's office at the time was the --
17 was the preeminent audit person in the Secretary of
18 State's office at the time. So I believe he was
19 involved with the discussions on the steps that
20 would be taken in that process.

21 Q. And --

22 A. I don't think he had left the Secretary of
23 State's office yet at that time. I know he is now
24 working for EAC, but I'm -- I might be tying up my
25 calendar a little bit.

1 Q. And that's Kevin Rayburn you're talking
2 about?

3 A. Yes, sir.

4 Q. Mr. Barnes, do we agree that the fact that
5 there has not been any known compromise or
6 widespread fraud in Georgia elections to date, that
7 that does not mean that that can never happen in the
8 future? Are we agreed on that?

9 MS. LaROSS: Object -- objection as to
10 form of the question.

11 THE WITNESS: We never know what can
12 happen in the future. If something bad can
13 happen -- I think Murphy's Law is if something
14 bad can happen, it can happen.

15 So that's why we have the procedures and
16 protocols in place to try to prevent bad things
17 from happening, but none of us can see into the
18 future.

19 BY MR. CROSS:

20 Q. Were you aware that Theresa Payton, the
21 head of Fortalice, testified in this case that it's
22 not a question of when a U.S. election will get
23 hacked, but if?

24 MS. LaROSS: Object to the form of the
25 question.

1 THE WITNESS: I am not aware of that
2 testimony.

3 MR. CROSS: All right. Sorry I took you a
4 little longer than you asked. I apologize
5 about that. Let me let you get out of here.

6 And we will -- we'll keep it open. I'm
7 not going to litter the transcript. I'm going
8 to let him out. We'll send you a letter,
9 Diane, on -- on how to proceed.

10 VIDEOGRAPHER: Okay. This suspends the
11 deposition. The time is 5:04 p.m. and we are
12 now off the video record.

13 (Deposition suspended at 5:04 p.m.)

14 (Pursuant to Rule 30(e) of the Federal
15 Rules of Civil Procedure and/or O.C.G.A.
16 9-11-30(e), signature of the witness has been
17 reserved.)

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C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

<%12034,Signature%>
LEE ANN BARNES, CCR B-1852, RPR, CRR, CRC

1 COURT REPORTER DISCLOSURE

2
3 Pursuant to Article 10.B. of the Rules and
4 Regulations of the Board of Court Reporting of the
5 Judicial Council of Georgia which states: "Each
6 court reporter shall tender a disclosure form at the
7 time of the taking of the deposition stating the
8 arrangements made for the reporting services of the
9 certified court reporter, by the certified court
10 reporter, the court reporter's employer, or the
11 referral source for the deposition, with any party
12 to the litigation, counsel to the parties or other
13 entity. Such form shall be attached to the
14 deposition transcript," I make the following
15 disclosure:

16 I am a Georgia Certified Court Reporter. I am here
17 as a representative of Veritext Legal Solutions.
18 Veritext Legal Solutions was contacted to provide
19 court reporting services for the deposition.
20 Veritext Legal Solutions will not be taking this
21 deposition under any contract that is prohibited by
22 O.C.G.A. 9-11-28 (c).

23 Veritext Legal Solutions has no contract/agreement
24 to provide reporting services with any party to the
25 case, any counsel in the case, or any reporter or
reporting agency from whom a referral might have
been made to cover this deposition. Veritext Legal
Solutions will charge its usual and customary rates
to all parties in the case, and a financial discount
will not be given to any party to this litigation.

26 <%12034,Signature%>

27 LEE ANN BARNES, CCR B-1852B, RPR, CRR, CRC

1 Diane LaRoss, Esquire
2 dlaross@taylorenglish.com

3 February 16, 2022

4 RE: Curling, Donna v. Raffensperger, Brad
5 2/11/2022, Michael Barnes (#5081041)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-midatlantic@veritext.com

16

17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21

22 Yours,

23 Veritext Legal Solutions

24

25

1 Curling, Donna v. Raffensperger, Brad

2 Michael Barnes (#5081041)

3 E R R A T A S H E E T

4 PAGE _____ LINE _____ CHANGE _____

5 _____

6 REASON _____

7 PAGE _____ LINE _____ CHANGE _____

8 _____

9 REASON _____

10 PAGE _____ LINE _____ CHANGE _____

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12 REASON _____

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15 REASON _____

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18 REASON _____

19 PAGE _____ LINE _____ CHANGE _____

20 _____

21 REASON _____

22 _____

23 _____

24 Michael Barnes Date

25

1 Curling, Donna v. Raffensperger, Brad

2 Michael Barnes (#5081041)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Michael Barnes, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10

11

12 Michael Barnes Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20____.

16

17

18

19 _____
NOTARY PUBLIC

20

21

22

23

24

25